



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

Council Chamber  
200 Civic Center Way  
El Cajon, CA 92020

## Agenda JUNE 9, 2020, 3:00 p.m.

**Please note that, pursuant to the State of California Governor's Executive Order N-29-20, and in the interest of the public health and safety, members of the City Council and Staff may attend the meeting telephonically.**

**Further, Orders from the San Diego County Health Officer prevent persons other than City officials and essential employees to be physically present.**

**In accordance with the Executive Order, and in compliance with the County Health Officer's Orders, the public may view the meeting on the City's website. Please visit <https://www.cityofelcajon.us/videostreaming> for more details.**

**To submit comments on an item on this agenda, or a Public Comment, please visit the City's website at <https://www.cityofelcajon.us/videostreaming>. Comments will be accepted up to the conclusion or the vote of each item. Comments will be limited to 300 words and will be entered into the official Council Meeting Record. The City Council will endeavor to include all comments prior to taking action.**

**If you find that you are unable to submit a comment through the website, please contact the City Clerk's Office at (619) 441-1763, not later than 2:30 p.m. prior to the start of the City Council Meeting.**

**Should technical difficulties arise, they will be resolved as soon as possible.**

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 May 26, 2020, Meeting and the Agenda of the June 9, 2020, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

**PRESENTATIONS:**

**Commendation: Deputy Director of Community Development, Building and Fire Safety Official - Dan Pavao**

**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 May 26, 2020, 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. Resolution of Intent to Vacate a Walkway Easement between Mona Place and Benjamin Place

RECOMMENDATION:

That the City Council:

1. Adopts the next Resolution, in order, approving the City's Intent to Vacate a Walkway Easement between Mona Place and Benjamin Place; and
2. Directs the City Clerk to set a Public Hearing on June 23, 2020, at 3:00 p.m., to receive testimony regarding the intent to Vacate said Walkway Easement.

5. 2019 Office of Emergency Services (CalOES) - Coverdell Forensic Science Improvement Grant

RECOMMENDATION:

That the City Council:

1. Authorizes the City Manager, or designee, to accept the 2019 Coverdell Forensic Science Improvement Grant in the amount of \$52,792, and execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates funding of \$42,032 for the sole source purchase of a Foster & Freeman DCS5 crime-lite 8X4 MK2 white light and VIS fluorescence INC View FILT (accessory for DCS5), FLS Light source with adaptors for use with DCS5, CSU-2 cylindrical surface un-wrapper (accessory for DCS5), DCS5 crime-lite 8X4 MK4 for IR powders NAT 1 and 2 INC view filters (accessory for DCS5), three Canon EOS M6 Mark II cameras and lenses for \$3,421 and overtime funding of \$7,339 for our three Forensic Evidence Technicians.

6. FY 2020 Regional Analysis of Impediments to Fair Housing

RECOMMENDATION:

That the City Council:

1. Reviews and accepts the proposed FY 2020 Regional Analysis of Impediments to Fair Housing Choice; and
2. Authorizes the City Manager or designee to certify its completion.

7. Time Extension of Tentative Subdivision Map (TSM) 667; 999 Bostonia Street, Engineering Job No. 3591

RECOMMENDATION:

That the City Council grants a one-year time extension for TSM 667 (999 Bostonia Street) and set the new expiration date to June 12, 2021; in accordance with Municipal Code Section 16.12.110.

8. Time Extension of Tentative Subdivision Map (TSM) 666; 1044 South Mollison Avenue, Engineering Job No. 3574

**RECOMMENDATION:**

That the City Council grants a one-year time extension for TSM 666 (1044 South Mollison Avenue) and sets the new expiration date to be July 26, 2021, in accordance with Municipal Code Section 16.12.110.

9. General Municipal Election - November 3, 2020

**RECOMMENDATION:**

That the City Council adopts the next Resolutions, in order, in connection with the November 3, 2020, General Municipal Election:

1. Resolution Calling and Giving notice of the November 3, 2020, General Municipal Election for the election of three Members of the City Council of the City of El Cajon: one member each for District No. 2, District No. 3, and District No. 4, each serving a full four-year term to expire December 2024;
2. Resolution requesting the Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election on November 3, 2020;
3. Resolution adopting regulations for candidates calling for prepayment for a 200-word Candidate's Statement; and
4. Resolution adopting regulations to resolve a tie vote for the City Council Election by lot.

10. Board of Supervisors Appointment to Gillespie Field Development Council

**RECOMMENDATION:**

That the City Council ratifies the Board of Supervisors appointment of Barry Bardack to the Gillespie Field Development Council for a term to expire June 25, 2024.

11. Shared Streets Pilot Program SANDAG Grant

**RECOMMENDATION:**

That the City Council accepts, appropriates, and expends \$8,636 from SANDAG for the Shared Streets Pilot Program Grant.

**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:**

12. FY 2020/2021 General Fund Budget Discussion

### **RECOMMENDATION:**

That the City Council considers updated information related to the City of El Cajon's Fiscal Year 2020/2021 budget and provides feedback to City staff on various proposals.

13. Coronavirus Relief Fund Subgrant with County of San Diego

### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, authorizing approval of the Coronavirus Relief Fund Subgrant Agreement between the City and the County of San Diego, authorizing the City Manager to execute said agreement, and providing feedback regarding the recommendation allocation of CARES funds.

## **COMMISSION REPORTS:**

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

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

14. Council Activity Report
15. Legislative Report

### **ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:**

16. **COUNCILMEMBER GARY KENDRICK**  
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.; East County Advanced Purification JPA.
17. **COUNCILMEMBER BOB MCCLELLAN**  
MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate.
18. **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 Advanced Purification JPA - Alternate.

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

**JOINT COUNCILMEMBER REPORTS:**

**GENERAL INFORMATION ITEMS FOR DISCUSSION:**

**ORDINANCES: FIRST READING**

20. Urgency Ordinance and Standard Ordinance to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining

**RECOMMENDATION:**

That the City Council first adopts Ordinance No. 5100, An Urgency Ordinance Amending Sections 12.09.030 and 12.09.060 of the El Cajon Municipal Code to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining in the City and, if adopted, requests the City Clerk to read the ordinance by title; following the adoption of Ordinance No. 5100, approve the introduction of Ordinance No. 5101, An Ordinance Amending Sections 12.09.030 and 12.09.060 of the El Cajon Municipal Code to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining in the City and, if approved and introduced, requests the City Clerk to read the ordinance by title.

**ORDINANCES: SECOND READING AND ADOPTION**

**CLOSED SESSIONS:**

21. Closed Session - Public Employee Performance Evaluation: City Manager
22. Closed Session - Conference with Legal Counsel - Anticipated Litigation - pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: One (1) potential case

**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 9th day of June 2020, is adjourned to Tuesday, June 23, 2020, at 3:00 p.m.**



City Council  
Agenda Report

Agenda Item 1.

**DATE:** June 9, 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 May 26, 2020, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

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Attachments

05-26-20 DRAFT Minutes - 3PM

05-31-20 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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**May 26, 2020**

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, May 26, 2020, 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 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 May 12, 2020, Meeting and the Agenda of the May 26, 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)**

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

Approves Minutes of the May 12, 2020, 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. January - March 2020 Treasurer's Report

Receives the Treasurer's Report for the quarter ending March 31, 2020.

5. Whitsett Drive Storm Drain Rehabilitation Project Acceptance

1. Accepts the Whitsett Drive Storm Drain Rehabilitation Project; WW3588, RFP No. 022-19; and
2. Authorizes the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

*Remainder of page intentionally left blank.*

## CONSENT ITEMS: (Continued)

### PULLED FOR DISCUSSION:

6. FY20 U.S. Department of Justice Coronavirus Emergency Supplemental Funding (CESF) Grant
  1. Authorizes the City Manager, or designee, to accept the FY20 U.S. Department of Justice CESF Grant in the amount of \$89,355 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
  2. Appropriates \$89,355 of the allocated FY20 CESF funding to purchase an Unmanned Aerial System (Drone) with a Forward Looking Infrared (FLIR) camera system and zoom capabilities, 50 First Aid Kits, and a Mobile High Definition Camera Trailer.

### DISCUSSION

An online comment submitted by an anonymous person requested an explanation for the purchase of a drone, indicating that it would not benefit the current COVID crisis.

An online comment submitted by Amanda McGimpsey expressed concern for the purchase of a drone, and urged the Council to use the proposed funding for life saving sanitation items.

City Manager Mitchell explained that a drone is part of the personal protection equipment standard, which will be used to enhance public safety personnel's ability to respond to emergencies. Mr. Mitchell advised of a Health Ordinance, which requires that appropriate information reaches crowds and homeless encampments. Mr. Mitchell added that drones will minimize exposure and protect staff, while conducting these types of assignments.

Police Chief Moulton, spoke of several beneficial uses of drones in gatherings, dense foliage, and encampments, which will minimize unnecessary exposure, and allow officers to be available for high priority calls. Chief Moulton stated that drones are used in documenting crime scenes.

7. Contract Amendment for The Magnolia Loading Dock Security Gate

Approves an amendment to increase The Magnolia Loading Dock Gate contract to the not-to-exceed amount of \$12,040.

**CONSENT ITEMS: (Continued)**

8. Approval of Revisions to the Recreation Services Supervisor Classification Specification

Approves the revisions to the Recreation Services Supervisor classification specification.

9. New Classification Specification for Fire Inspector I/II

Approves the classification specification for Fire Inspector I/II.

10. Travel Expenses for the League of California Cities Planning Commissioners Academy – Cabrera

Reviews and approves the attached claims for advance/reimbursement of travel expense form for Planning Commissioner Humbert Cabrera submitted in accordance with City Council Policy G-1.

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

**MOTION CARRIED BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

A comment submitted online by an unidentified person, spoke in regards to the funds allocated for the Wells Park playground modernization projects.

City Manager Mitchell explained how funds for the various development phase projects at Wells Park were allocated based on priorities, and advised that Phase 3 and Phase 4 projects were delayed due to the covid pandemic.

Councilmember McClellan suggested to postpone use of general funds, as it will be highly impacted due to delayed property tax payments.

**WRITTEN COMMUNICATIONS: None**

**PUBLIC HEARINGS:**

- 11. Public Hearing for the adoption of the Proposed 2020 Five-Year Program of Projects for the SANDAG Regional Transportation Improvement Program (RTIP)

**RECOMMENDATION:**

That the City Council:

- 1. Opens the Public Hearing and receives testimony;
- 2. Closes the Public Hearing; and
- 3. Adopts the next Resolution, in order, for the adoption of the Proposed 2020 Five-Year Program of Projects for the SANDAG Regional Transportation Improvement Program (RTIP).

**DISCUSSION**

City Traffic Engineer, Mario Sanchez, provided a summary of the Item.

Mayor Wells opened the public hearing.

No comments were received on this Item.

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

**MOTION CARRIED BY UNANIMOUS VOTE.**

**MOTION BY ORTIZ, SECOND BY McCLELLAN, to ADOPT Resolution No. 052-20, for adoption of the Proposed 2020 Five-Year Program of Projects for the SANDAG Regional Transportation Improvement Program (RTIP).**

**MOTION CARRIED BY UNANIMOUS VOTE.**

*Remainder of page intentionally left blank.*

**ADMINISTRATIVE REPORTS:**

12. City Council Meeting Schedule

**RECOMMENDATION:**

That the City Council considers canceling one of the mid-summer meetings, as it has in past years. Staff recommends that the City Council discusses and considers canceling the August 25, 2020 meeting.

**DISCUSSION**

City Manager Mitchell provided detailed information of the Item.

**MOTION BY WELLS, SECOND BY McCLELLAN, to CANCEL the August 25, 2020 meeting.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

13. Update on Impacts of COVID-19

**RECOMMENDATION:**

That the City Council accepts and considers the information associated with this report.

**DISCUSSION**

Detailed information on the Item was provided by City Manager Mitchell, and Finance Director, Clay Schoen.

Discussion ensued among Council and Staff concerning the following:

- Assistance for restaurants by implementing new zoning codes;
- Waiver of temporary use permit fees;
- Businesses and car dealers steering into foreclosure;
- Methods to boost revenue and decrease costs;
- Accurate economic data will be produced three to six months later; and
- Consideration to adopt budget on a Special Meeting.

**MOTION BY WELLS, SECOND BY McCLELLAN, to ACCEPT the report and direct staff to present revenue and capital budget information at the June 9, 2020 meeting; and present expenditures and full budget information at the June 23, 2020 meeting.**

**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.

14. Council Activities Report/Comments

Report as stated.

15. Legislative Update – None

**ACTIVITIES REPORTS OF COUNCILMEMBERS:**

16. 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.

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

Council Activities Report/Comments.

Report as stated.

18. 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)**

19. 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:**

20. Tiny House Pilot Zoning Amendment

**RECOMMENDATION:**

That the City Council directs staff to draft an amended City's zoning code, as a pilot project, to allow placement of tiny houses on suitable properties as potential homeless housing.

Councilmember Goble provided information on the Item and directed Staff to reconvene by August 11, 2020, with suggestions on the process to amend the City's zoning code.

**DISCUSSION**

The following people submitted comment cards in support of the Item.

Herbert Kelly, Amikas Board Member  
Anonymous  
George Kelly  
President of Amikas  
Lead Pastor of Meridian Baptist in El Cajon  
Amanda McGimpsy  
Secretary of Amikas

Discussion ensued among Council and Staff concerning the following:

- Tiny House programs in Washington and Oregon;
- Eviction process will be established by the host;
- Amended zoning code will be inclusive to other interested parties; and
- City zoning application fee to be waived for the Meridian Baptist Church.

**MOTION BY GOBLE, SECOND BY ORTIZ, to DIRECT Staff to draft an amended City Zoning Code, as a pilot project to allow placement of tiny houses on suitable properties as potential homeless housing.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**GENERAL INFORMATION ITEMS FOR DISCUSSION:** None

**ORDINANCES: FIRST READING –** None

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

**CLOSED SESSIONS:** None

**Mayor Wells adjourned the meeting in honor of Don Parent, Public Affairs Manager for San Diego Gas and Electric, who passed away on May 25, 2020.**

**Adjournment: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 26<sup>th</sup> day of May, 2020, at 4:35 p.m., to Tuesday, June 9, 2020, at 3:00 p.m.**

**D R A F T**  
ANGELA L. CORTEZ, CMC  
City Clerk/Secretary



# 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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**May 31, 2020**

A Joint Special Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Sunday, May 31, 2020, was called to order by Mayor Bill Wells at 4:15 p.m.

#### 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

1. Proclamation of Local Emergency, and order of Curfew and Curfew Regulations

#### DISCUSSION

City Manager Mitchell recommended that the City of El Cajon, as a proactive measure, and in response to the civil unrest in the City of La Mesa and throughout the County of San Diego, adopt a Proclamation of a local emergency, and order of curfew.

Mayor Wells encouraged citizens to submit comments through the city's website.

City Manager Mitchell stated the curfew imposed for the City of El Cajon was requested between the hours of 7:00 p.m., Sunday, May 31, 2020 and 6:00 a.m., Monday, June 1, 2020.

City Manager Mitchell added that during the existence of said curfew exemptions were made for all law enforcement, fire, medical personnel, and members of the media. Individuals traveling directly to and from work, seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.

Discussion ensued amongst Council and Staff regarding:

- Extending the curfew order if needed;
- The financial impact of an extended curfew on local businesses; and
- Clarification of enforcement of the curfew.

No comments were received.

**MOTION BY WELLS, SECOND BY McCLELLAN, to ADOPT a Proclamation of Dire Local Emergency, and Approve the order of curfew and curfew regulations.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

City Manager Mitchell stated that a copy of the proclamation and curfew orders will be provided to the San Diego Metropolitan Transit System to cease trolley services during curfew hours.

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 31st day of May 2020 was adjourned at 4:29 p.m., to Tuesday, June 9, 2020 at 3:00 p.m.

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ANGELA L. CORTEZ, CMC  
City Clerk/Secretary



City Council  
Agenda Report

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Dirk Epperson, Director of Public Works  
**SUBJECT:** Resolution of Intent to Vacate a Walkway Easement between Mona Place and Benjamin Place

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**RECOMMENDATION:**

That the City Council:

1. Adopts the next Resolution, in order, approving the City's Intent to Vacate a Walkway Easement between Mona Place and Benjamin Place; and
2. Directs the City Clerk to set a Public Hearing on June 23, 2020, at 3:00 p.m., to receive testimony regarding the intent to Vacate said Walkway Easement.

**BACKGROUND:**

On May 16, 1966, the City Council approved Final Map 5738 for the development of the Baart Village Subdivision located south of Chase Avenue in the southwestern quadrant of the City. This map created a 4-ft. wide walkway easement between Mona Place and Benjamin Place intended to serve the residents of both streets to connect the two cul-de-sacs.

Last month the City received a request from the property owners of the parcels containing the walkway easement to abandon the easement due to concerns with trash, loitering, liability, and ongoing maintenance responsibilities. City staff evaluated the abandonment request and determined that the walkway easement is no longer necessary for its intended purpose and that keeping this access open does not best serve the public interest in the immediate area.

Staff's recommendation is for the City Council to adopt a Resolution of Intent to vacate the walkway easement and set a Public Hearing on June 23, 2020 to receive testimony from the public.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

This item is exempt of the California Environmental Quality Act (CEQA).

**FISCAL IMPACT:**

Minor expenses such as advertising, recording of documents, and staff time are required to facilitate the process.

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

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### Attachments

Resolution  
Exhibit A

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RESOLUTION NO. \_\_-20

RESOLUTION OF INTENTION TO VACATE  
A WALKWAY EASEMENT AT MONA PLACE AND  
BENJAMIN PLACE, AND TO SET A DATE  
FOR A PUBLIC HEARING TO RECEIVE TESTIMONY  
FOR THE INTENTION TO VACATE

WHEREAS, on February 21, 1966, the City Council adopted Resolution No. 7724, to approve Tentative Subdivision Map No. 140 for the development of the Baart Village Subdivision, located south of Chase Avenue in the southwest quadrant of the City of El Cajon (the "City"); and

WHEREAS, a pedestrian walkway easement (the "Easement") connects two cul-de-sac streets, Mona Place and Benjamin Place, more fully described in Exhibit "A," attached hereto and made a part hereof by this reference; and

WHEREAS, the property owners of the parcels containing the Easement have indicated that there are issues with trash, loitering, and concern for liability and maintenance, and request that the City Council approve vacating the Easement and adopting the Resolution of Intention to set a date for a public hearing to receive testimony; and

WHEREAS, the California Streets and Highways Code (the "Code") permits the vacation of a public easement under specific conditions; and

WHEREAS, sections 8320 through 8325 of the Code provide that the City Council may vacate a public easement following the procedures outlined in the Code; and

WHEREAS, the vacation of this Easement is consistent with the elements of the General Plan, which makes it appropriate to proceed with vacating the subject property; and

WHEREAS, City staff recommends City Council approval of the vacation of the Easement, and adoption of the Resolution of Intention to set June 23, 2020, at 3:00 p.m., as the date and time to receive testimony from the public.

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

1. The City Council of El Cajon does hereby find that said Easement described in Exhibit "A" is no longer needed for its intended purpose.
2. The City Council hereby sets the date of June 23, 2020 at 3:00 p.m., or such time thereafter as may be necessary, to hold a public hearing to consider the vacation of the Easement.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR VACATION OF WALKWAY EASEMENT**

Tax Assessor Parcel No. 492-630-08  
Address: 1194 Mona Place, El Cajon, CA

Tax Assessor Parcel No. 492-630-05  
Address: 1185 Benjamin Place, El Cajon, CA

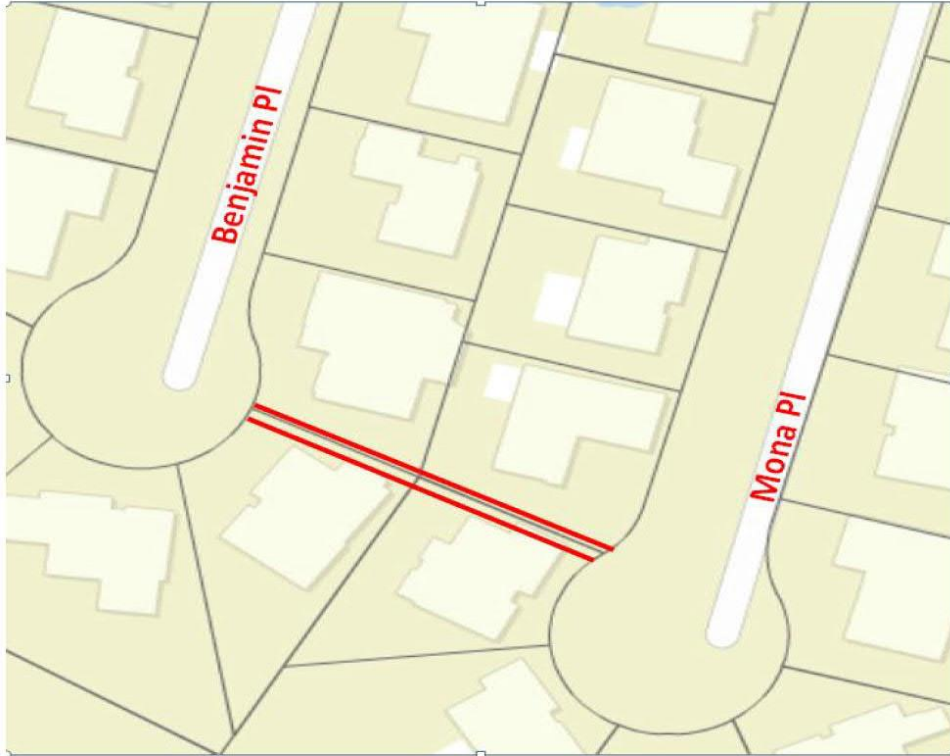
The City of El Cajon does hereby vacate a 4.00 feet walkway easement by Resolution of Vacation, Resolution No. \_\_\_\_\_, approved by the El Cajon City Council on \_\_\_\_\_, 2020.

That portion of Lots 32 & 49 of Baart Village Unit No. 2, in the City of El Cajon, County of San Diego, State of California, according to map thereof No. 5738, filed in the Office of the County Recorder of San Diego County, on May 23, 1966, more particularly described as follows:

The Southerly 4.00 feet of said Lots 32 & 49 of said Baart Village Unit No. 2, Map No. 5738.

\_\_\_\_\_  
Yazmin Arellano, City Engineer  
PLS 8910

**EXHIBIT "A"**  
**REQUEST TO VACATE PROPERTY EASEMENT (SIDEWALK) BETWEEN**  
**BENJAMIN PLACE AND MONA PLACE**







**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR VACATION OF WALKWAY EASEMENT**

Tax Assessor Parcel No. 492-630-08  
Address: 1194 Mona Place, El Cajon, CA

Tax Assessor Parcel No. 492-630-05  
Address: 1185 Benjamin Place, El Cajon, CA

The City of El Cajon does hereby vacate a 4.00 feet walkway easement by Resolution of Vacation, Resolution No.\_\_\_\_\_, approved by the El Cajon City Council on \_\_\_\_\_, 2020.

That portion of Lots 32 & 49 of Baart Village Unit No. 2, in the City of El Cajon, County of San Diego, State of California, according to map thereof No. 5738, filed in the Office of the County Recorder of San Diego County, on May 23, 1966, more particularly described as follows:

The Southerly 4.00 feet of said Lots 32 & 49 of said Baart Village Unit No. 2, Map No. 5738.

\_\_\_\_\_  
Yazmin Arellano, City Engineer  
PLS 8910

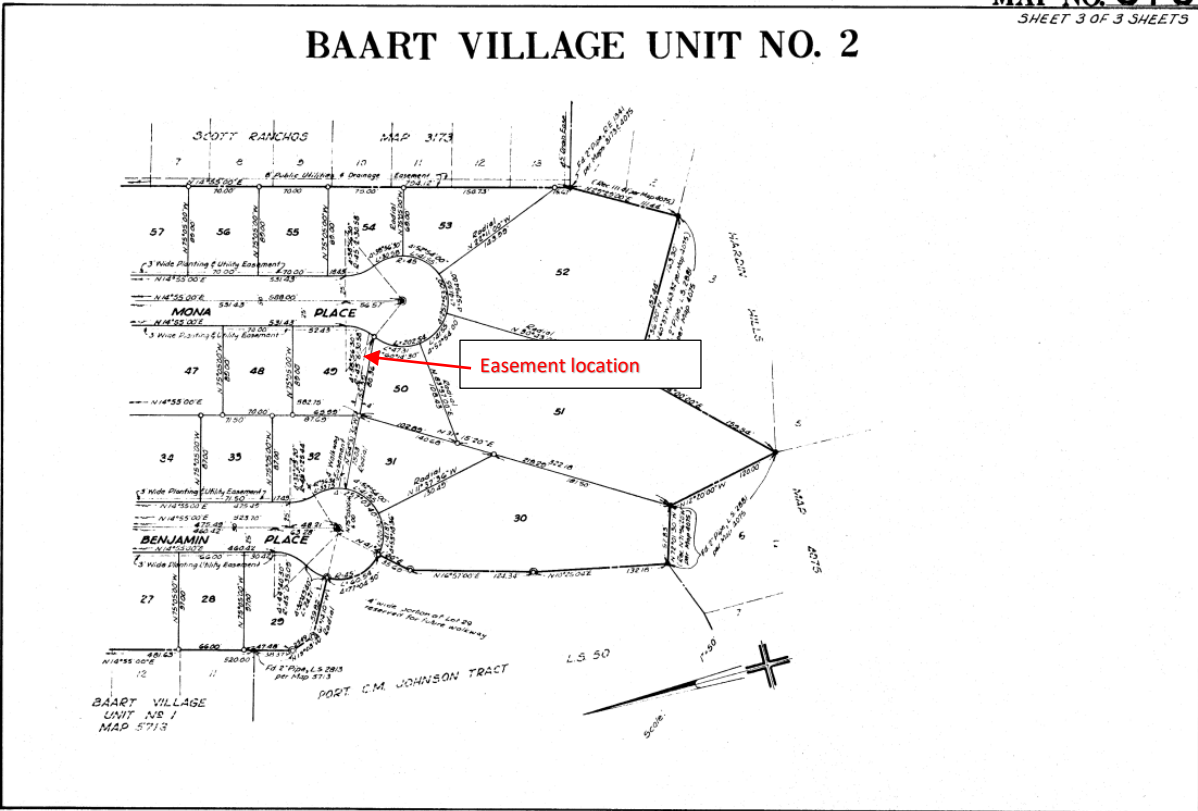
**EXHIBIT "A"**  
**REQUEST TO VACATE PROPERTY EASEMENT (SIDEWALK) BETWEEN**  
**BENJAMIN PLACE AND MONA PLACE**



**EXHIBIT "A"**  
**REQUEST TO VACATE EASEMENT - MAP NO. 5738**

**MAP NO. 5738**  
SHEET 3 OF 3 SHEETS

**BAART VILLAGE UNIT NO. 2**



**MAP NO. 5738**

**BAART VILLAGE UNIT NO.2**

SHEET 1 OF 3 SHEETS

OWNER OF AN INTEREST IN SAID LAND  
We certify that we are the owners of or are interested in the land subdivided by this map and we consent to the preparation and recording of this map. We declare to the public that the Benjamin Place, Mona Place and the portion of Chaco Avenue shown hereon, and named easements and the portion of 29 designated portion of lot 29 reserved for future workways, as shown on said map.

**DANE CONSTRUCTION CO. OF SAN DIEGO, a California Corporation**  
President: [Signature] Secretary: [Signature]

**BEING A SUBDIVISION OF**

This portion of Tract "E" of the RANCHO EL CAJON, designated as C.M. Johnson Tract on Licensed Surveyor's Map No. 50, filed in the office of the County Recorder of San Diego County, February 20, 1964, being in the County of San Diego, State of California, as delineated on sheets 2 & 3 of this map.

**CERTIFICATE OF REGISTERED ENGINEER OR SURVEYOR**  
I, **WILLIAM S. HARRIS**, a Registered Civil Engineer, certify that the survey of this subdivision was made by me or under my direction between the 19th day of February, 1966, and said survey is true and complete as shown; that instruments of the character indicated have been set or found on the subdivision corners, and all set or other monuments of the character and in the position indicated by legend in this map within 30 days after the completion of the required improvements and such monuments are or will be sufficient to locate the survey to be effected. (See Legend on Sheet 2.)  
This map No. 5738, 1966

**STEWART TITLE COMPANY OF SOUTHERN CALIFORNIA, a California Corporation as Trustee**  
[Signature] Secretary

**STEWART TITLE COMPANY OF SOUTHERN CALIFORNIA, a corporation, hereby certifies that according to the Official Records of the County of San Diego, Dane Construction Co., of San Diego, a California corporation, has filed and recorded this map in the County of San Diego, California, on the 20th day of February, 1966, in Book 1985 of Official Records of San Diego County, California, as on the 20th day of February, 1966, at 9:25 AM, in the land subdivided by this map.**

**CERTIFICATE OF CITY ENGINEER**  
I, **WILLIAM S. HARRIS**, Engineer, certify that I have examined this map, that the subdivision is substantially the same as it appeared on the tentative map and any approved alterations thereof, that all the provisions of the Subdivision Map Act and City Ordinance No. 164, as amended, have been complied with, and that I am satisfied that this map is correct.  
This map No. 5738, 1966

**ACKNOWLEDGMENT**  
STATE OF CALIFORNIA, County of San Diego  
On this 19th day of FEBRUARY, 1966, before me Arthur Grant, a Notary Public in and for said County and State, personally appeared **WILLIAM S. HARRIS**, known to me to be the **ENGINEER**, President and **WILLIAM S. HARRIS**, known to me to be the **SECRETARY** of the Corporation that executed the above certificate, and known to me to be the persons who executed the above certificate on behalf of the Corporation herein named, and acknowledged to me that such corporation executed said certificate pursuant to its by-laws or a resolution of its Board of Directors.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State, on this date.  
My commission expires **20th DECEMBER, 1966**  
Notary Public in and for said County and State

**IN WITNESS WHEREOF**, said Stewart Title Company of Southern California, has caused this instrument to be executed under its corporate name and seal by its proper officers, thereunto duly authorized, the day and year in this Certificate first above written.

**STEWART TITLE COMPANY OF SOUTHERN CALIFORNIA**  
By **Arthur Grant**, Notary Public  
By **WILLIAM S. HARRIS**, Secretary

**CERTIFICATE OF COUNTY PLANNING COMMISSION**  
I, **WILLIAM S. HARRIS**, County Surveyor, certify that this map is a correct and complete copy of the map as shown by those of the original, against the Trust or Subdivision in any part thereof shown on the attached map and deposited in the public trust vault.  
WILLIAM S. HARRIS, County Surveyor  
Notary Public in and for said County and State

**COUNTY CLERK'S CERTIFICATE OF DEPOSIT**  
I, **WILLIAM S. HARRIS**, City Auditor and City Treasurer of the City of San Diego, certify that the above map has been filed under the provisions of Chapter 2, Part 2, Section 4, of the Business and Professions Code and that the same has been deposited with me in the office of the City Auditor and City Treasurer, and that the same is on file in the office of the City Auditor and City Treasurer.  
This map No. 5738, 1966

**ACKNOWLEDGMENT**  
STATE OF CALIFORNIA, County of San Diego  
On this 19th day of FEBRUARY, 1966, before me **THEODORE ROSS**, a Notary Public in and for said County and State, personally appeared **WILLIAM S. HARRIS**, known to me to be the **ENGINEER**, President and **WILLIAM S. HARRIS**, known to me to be the **SECRETARY** of the Corporation that executed the above certificate, and known to me to be the persons who executed the above certificate on behalf of the Corporation herein named, and acknowledged to me that such corporation executed said certificate pursuant to its by-laws or a resolution of its Board of Directors.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State, on this date.  
My commission expires **20th DECEMBER, 1966**  
Notary Public in and for said County and State

**CERTIFICATE OF SUITABILITY OF PURPOSE**  
We, the undersigned, certify that we have carefully examined each lot or portion of the above map, and we find said Subdivision to be suitable for the purposes designated.  
Approved after examination of the Subdivision and map thereof  
I, **WILLIAM S. HARRIS**, City Auditor and City Treasurer of the City of San Diego, certify that the above map has been filed under the provisions of Chapter 2, Part 2, Section 4, of the Business and Professions Code and that the same has been deposited with me in the office of the City Auditor and City Treasurer, and that the same is on file in the office of the City Auditor and City Treasurer.  
This map No. 5738, 1966

**APPROVAL OF MAP BY CITY COUNCIL**  
I, **WILLIAM S. HARRIS**, City Clerk of the City Council, certify that the City Council of the City of San Diego has approved this map, has declared on behalf of the public, Benjamin Place, Mona Place, the portion of Chaco Avenue and the named easements as delineated on said map and has reserved the portion of lot 29 designated portion of lot 29 reserved for future workways.  
I, **WILLIAM S. HARRIS**, City Auditor and City Treasurer of the City of San Diego, certify that the above map has been filed under the provisions of Chapter 2, Part 2, Section 4, of the Business and Professions Code of the State of California and that the same has been deposited with me in the office of the City Auditor and City Treasurer, and that the same is on file in the office of the City Auditor and City Treasurer.  
This map No. 5738, 1966

**COUNTY RECORDER'S APPROVAL OF NAME**  
I, **WILLIAM S. HARRIS**, County Recorder, certify that the name **BAART VILLAGE UNIT NO. 2** for the subdivision shown on the attached map.  
I, **WILLIAM S. HARRIS**, County Recorder, certify that the name **BAART VILLAGE UNIT NO. 2** for the subdivision shown on the attached map.  
This map No. 5738, 1966



## City Council Agenda Report

**Agenda Item 5.**

**DATE:** June 9, 2020

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Mike Moulton, Chief of Police

**SUBJECT:** 2019 Office of Emergency Services (CalOES) - Coverdell Forensic Science Improvement Grant

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### RECOMMENDATION:

That the City Council:

1. Authorizes the City Manager, or designee, to accept the 2019 Coverdell Forensic Science Improvement Grant in the amount of \$52,792, and execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates funding of \$42,032 for the sole source purchase of a Foster & Freeman DCS5 crime-lite 8X4 MK2 white light and VIS fluorescence INC View FILT (accessory for DCS5), FLS Light source with adaptors for use with DCS5, CSU-2 cylindrical surface un-wrapper (accessory for DCS5), DCS5 crime-lite 8X4 MK4 for IR powders NAT 1 and 2 INC view filters (accessory for DCS5), three Canon EOS M6 Mark II cameras and lenses for \$3,421 and overtime funding of \$7,339 for our three Forensic Evidence Technicians.

### BACKGROUND:

Each year the California Office of Emergency Services awards Coverdell Forensic Improvement Grants to local jurisdictions to improve the quality, timeliness, and credibility of forensic science. The El Cajon Police Department was awarded \$57,792 in funding to purchase a Foster & Freeman DCS5 Crime-lite 8X4 MK2 white light and VIS fluorescence INC View FILT (accessory for DCS5), FLS Light source with adaptors for use with DCS5, CSU-2 cylindrical surface un-wrapper (accessory for DCS5), DCS5 crime-lite 8X4 MK4 for IR powders NAT 1 and 2 INC view filters (accessory for DCS5), three Canon EOS M6 Mark II cameras and lenses and overtime funding for our three Forensic Evidence Technicians. The DCS5 accessories, which is a sole source purchase approved by the grantor, will enhance our latent print examination capability. These accessories will yield better quality prints for comparison and more searchable prints equal more suspects identified on unsolved cases. The three Canon cameras will enhance trace evidence, crime scene processing, and latent print evidence collection. It will also yield better evidence preservation. This will ultimately allow for more usable evidence obtained from criminal cases. The overtime for the three Forensic Evidence Technicians will allow for quicker turnaround on latent print cases. The Technicians will use the overtime for crime scene and latent print processing. This overtime will reduce the backlog in both crime scene analysis and latent print analysis.

**FISCAL IMPACT:**

The 2019 Coverdell Grant award will provide \$52,792 in funding to the Police Special Revenue Fund - 225900 and will not impact the General Fund. No matching funds are required for this grant. These funds will be used by the El Cajon Police Department for the equipment listed above or as modified in the grant workbook and approved by the granting agency.

Prepared By: Julie Wiley, Sr. Management Analyst

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager

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**Attachments**

Grant Award

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GAVIN NEWSOM  
GOVERNOR



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

MARK S. GHILARDUCCI  
DIRECTOR

May 19, 2020

Shelley Webster, Crime Laboratory Manager  
El Cajon, City of  
100 Civic Center Way  
El Cajon, CA 92020-3975

Subject: **NOTIFICATION OF APPLICATION APPROVAL**  
Paul Coverdell Forensic Science Improvement Program  
Subaward #: CQ19 03 6511, Cal OES ID: 073-21712

Dear Ms. Webster:

Congratulations! The California Governor's Office of Emergency Services (Cal OES) has approved your application in the amount of \$52,792, subject to Budget approval. A copy of your approved subaward is enclosed for your records.

Cal OES will make every effort to process payment requests within 45 days of receipt.

This subaward is subject to the Cal OES Subrecipient Handbook. You are encouraged to read and familiarize yourself with the Cal OES Subrecipient Handbook, which can be viewed on Cal OES website at [www.caloes.ca.gov](http://www.caloes.ca.gov).

Any funds received in excess of current needs, approved amounts, or those found owed as a result of a close-out or audit, must be refunded to the State within 30 days upon receipt of an invoice from Cal OES.

Should you have questions on your subaward please contact your Program Specialist.

VSPS Grants Processing

Enclosure

c: Subrecipient's file

(Cal OES Use Only)

Cal OES # 073-21712-04 PPS# 073-21712 VS# Subaward # CA 19036511

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES GRANT SUBAWARD FACE SHEET

The California Governor's Office of Emergency Services (Cal OES) hereby makes a Grant Subaward of funds to the following:

- 1. Subrecipient: City of El Cajon 1a. DUNS#: 078727393
2. Implementing Agency: Police Department, City of El Cajon 2a. DUNS#: 078727393
3. Implementing Agency Address: 100 Civic Center Way El Cajon 92020-3975
4. Location of Project: 100 Civic Center Way El Cajon 92020-3975
5. Disaster/Program Title: Paul Coverdell Forensic Science Improvement Project 6. Performance Period: 01/01/20 to 12/31/20
7. Indirect Cost Rate: N/A Federally Approved ICR (if applicable): N/A %

Table with 10 columns: Item Number, Grant Year, Fund Source, A. State, B. Federal, C. Total, D. Cash Match, E. In-Kind Match, F. Total Match, G. Total Cost. Row 8 shows \$52,792 for Federal funding.

13. Certification - This Grant Subaward consists of this title page, the application for the grant, which is attached and made a part hereof, and the Assurances/Certifications. I hereby certify I am vested with the authority to enter into this Grant Subaward...

14. CA Public Records Act - Grant applications are subject to the California Public Records Act, Government Code section 6250 et seq. Do not put any personally identifiable information or private information on this application...

15. Official Authorized to Sign for Subrecipient: Name: Michael Moulton Title: Chief of Police Payment Mailing Address: 100 Civic Center Way City: El Cajon Zip Code+4: 92020-3975 Signature: [Signature] Date: 11/25/19

16. Federal Employer ID Number: 956000703 (FOR Cal OES USE ONLY)

I hereby certify upon my personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above. [Signatures and Dates]

ENY: 2019-20 Chapter: 23 SL: 18629 Item: 0690-102-0890 Pgm: 0385 FAIN #: 2019-CD-BX-0013 01/01/20-12/31/20 Fund: Federal Trust AL#: 16.742 Program: Paul Coverdell Forensic Science Improvement Program Match Req.: None Project ID: OES19FSIA000012 3C: 2019-18629 Amount: \$ 52,792

DEC 06 2019 ML # 695499

**CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
SUPPLEMENTAL GRANT SUBAWARD INFORMATION.**

**1. Cal OES Contact Information Section:**

Governor's Office of Emergency Services  
Mark S. Ghilarducci, Director  
3650 Schriever Avenue  
Mather, CA 95655  
(916) 845-8506 (phone)

**2. Federal Awarding Agency Section:**

| Fund Year       | Federal Program Fund / AL#                        | Federal Awarding Agency       | Total Federal Award Amount | Total Local Assistance Amount |
|-----------------|---|-------------------------------|----------------------------|-------------------------------|
| 2019            | Forensic Sciences Improvement Act (FSIA) / 16.742 | National Institute of Justice | \$2,264,423                | \$2,037,981                   |
| Choose an item. | Choose an item.                                   | Choose an item.               | \$                         | \$                            |
| Choose an item. | Choose an item.                                   | Choose an item.               | \$                         | \$                            |
| Choose an item. | Choose an item.                                   | Choose an item.               | \$                         | \$                            |
| Choose an item. | Choose an item.                                   | Choose an item.               | \$                         | \$                            |

**3. Project Description Section:**

- Project Acronym (Please choose from drop down):  
Paul Coverdell Forensic Science Improvement Program (CQ)
- Project Description (Please type the Project Description):

Provides funding to the federally accredited crime laboratories, coroners, and medical examiners offices throughout California. The goal of the program is to improve the quality, timeliness, and credibility of forensic science services over current operations.

**4. Research & Development Section:**

- Is this Subaward a Research & Development grant? Yes  No



## PROJECT CONTACT INFORMATION

Subrecipient: City of El Cajon Subaward #: CQ19036511

Provide the name, title, address, telephone number, and e-mail address for the project contacts named below.

1. The **Project Director** for the project:

Name: Shelley Webster Title: Crime Laboratory Manager  
Telephone #: 619-441-1504 Email Address: swebster@cityofelcajon.us  
Address/City/Zip + 4: 100 Civic Center Way El Cajon 92020-3975

2. The **Financial Officer** for the project:

Name: Julie Wiley Title: Senior Management Analyst  
Telephone #: 619-579-3355 Email Address: jwiley@cityofelcajon.us  
Address/City/Zip + 4: 100 Civic Center Way El Cajon 92020-3975

3. The **person** having **Routine Programmatic** responsibility for the project:

Name: Shelley Webster Title: Crime Laboratory Manager  
Telephone #: 619-441-1504 Email Address: swebster@cityofelcajon.us  
Address/City/Zip + 4: 100 Civic Center Way El Cajon 92020-3975

4. The **person** having **Routine Fiscal** responsibility for the project:

Name: Julie Wiley Title: Senior Management Analyst  
Telephone #: 619-579-3355 Email Address: jwiley@cityofelcajon.us  
Address/City/Zip + 4: 100 Civic Center Way El Cajon 92020-3975

5. The **Executive Director** of a Community Based Organization or the **Chief Executive Officer** (i.e., chief of police, superintendent of schools) of the implementing agency:

Name: Michael Moulton Title: Chief of Police  
Telephone #: 619-441-5515 Email Address: mmoulton@cityofelcajon.us  
Address/City/Zip + 4: 100 Civic Center Way El Cajon 92020-3975

6. The **Official Designated** by the Governing Board to enter into the Grant Subaward for the City/County or Community-Based Organization, as stated in Section 15 of the Grant Subaward Face Sheet:

Name: Michael Moulton Title: Chief of Police  
Telephone #: 619-441-5515 Email Address: mmoulton@cityofelcajon.us  
Address/City/Zip + 4: 100 Civic Center Way El Cajon 92020-3975

7. The **Chair** of the **Governing Body** of the Subrecipient:

Name: Bill Wells Title: Mayor  
Telephone #: 619-441-1790 Email Address: bwells@cityofelcajon.us  
Address/City/Zip + 4: 200 Civic Center Way El Cajon 92020-3975

**SIGNATURE AUTHORIZATION**

Subaward #: CQ19036511

Subrecipient: City of El Cajon

Implementing Agency: Police Department, El Cajon

\*The **Project Director** and **Financial Officer** are **REQUIRED** to sign this form.

\***Project Director:** Shelley Webster

Signature: *Shelley Webster*

Date: 11/21/19

\***Financial Officer:** Julie Wiley

Signature: *Julie Wiley*

Date: 12/1/19

The following persons are authorized to sign for the **Project Director**

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

The following persons are authorized to sign for the **Financial Officer**

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

**CERTIFICATION OF ASSURANCE OF COMPLIANCE**  
**Paul Coverdell Forensic Science Improvement Act (FSIA) Fund**

I, Michael Moulton hereby certify that  
(official authorized to sign; same person as Section 15 on Grant Subaward Face Sheet)

Subrecipient: City of El Cajon  
Implementing Agency: Police Department, City of El Cajon  
Project Title: Paul Coverdell Forensic Science Improvement Project

Is responsible for reviewing the *Subrecipient Handbook* and adhering to all of the Grant Subaward requirements (state and/or federal) as directed by Cal OES including, but not limited to, the following areas:

**I. Federal Grant Funds**

Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure an audit pursuant to Office of Management & Budget (OMB) Uniform Guidance 2 Code of Federal Regulations (CFR) Part 200, Subpart F and are allowed to utilize federal grant funds to budget for the audit costs. See Section 8000 of the *Subrecipient Handbook* for more detail.

- The above named Subrecipient receives \$750,000 or more in federal grant funds annually.
- The above named Subrecipient does not receive \$750,000 or more in federal grant funds annually.

**II. Equal Employment Opportunity – (Subrecipient Handbook Section 2151)**

It is the public policy of the State of California to promote equal employment opportunity (EEO) by prohibiting discrimination or harassment in employment because of race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law. **Cal OES-funded projects certify that they will comply with all state and federal requirements regarding EEO, nondiscrimination, and civil rights.**

Equal Employment Opportunity Officer: Marisal Thorn  
Title: Director of Human Resources  
Address: 200 Civic Center Way, El Cajon 92020  
Phone: 619-441-1724  
Email: mthorn@cityofelcajon.us

**III. Drug-Free Workplace Act of 1990 – (Subrecipient Handbook, Section 2152)**

The State of California requires that every person or organization subawarded a grant or contract shall certify it will provide a drug-free workplace.

**IV. California Environmental Quality Act (CEQA) – (Subrecipient Handbook, Section 2153)**

The California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) requires all Cal OES-funded projects to certify compliance with CEQA. Projects receiving funding must coordinate with their city or county planning agency to ensure that the project is compliance with CEQA requirements.

**V. Lobbying – (Subrecipient Handbook Section 2154)**

Cal OES grant funds, grant property, or grant-funded positions shall not be used for any lobbying activities, including, but not limited to, being paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

**VI. Debarment and Suspension – (Subrecipient Handbook Section 2155)**

*(This applies to federally-funded grants only.)*

Cal OES-funded projects must certify that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department of agency.

**VII. Proof of Authority from City Council/Governing Board – (Subrecipient Handbook Section 1350)**

The above-named organization (Applicant) accepts responsibility for and must comply with the requirement to obtain a signed resolution from the City Council/Governing Board in support of this Program. The Applicant must provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of Cal OES, and that any cash match will be appropriated as required. It is agreed that any liability arising out of the performance of this Grant Subaward, including civil court actions for damages, shall be the responsibility of the grant Subrecipient and the authorizing agency. The State of California and Cal OES disclaim responsibility of any such liability. Furthermore, it is also agreed that grant funds received from Cal OES shall not be used to supplant expenditures controlled by the City Council/Governing Board.

The Applicant is required to obtain written authorization from the City Council/Governing Board that the official executing this Grant Subaward is, in fact, authorized to do so. The Applicant is also required to maintain said written authorization on file and readily available upon demand.

### **VIII. Civil Rights Compliance**

The Subrecipient complies with all laws that prohibit excluding, denying or discriminating against any person based on actual or perceived race, color, national origin, disability, religion, age, sex, gender identity, and sexual orientation in both the delivery of services and employment practices and does not use federal financial assistance to engage in explicitly religious activities.

### **IX. Special Condition for Grant Subaward with Paul Coverdell Forensic Improvement Act Program Funds**

#### **1. Applicability of Part 200 Uniform Requirements**

The Subrecipient must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and Subawards ("Subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the Subrecipient must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the Subrecipient must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the Subrecipient is to contact OJP promptly for clarification.

2. Compliance with DOJ Grants Financial Guide

The Subrecipient must to comply with the DOJ Grants Financial Guide. References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The Subrecipient must comply with the DOJ Grants Financial Guide.

3. Hiring Documents

The Subrecipient must keep, maintain, and preserve all documentation (such as Form I-9s or equivalents) regarding the eligibility of employees hired using the funds.

4. Requirement to report actual or imminent breach of personally identifiable information (PII)

The Subrecipient must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal Information system" (OMB Circular A-130). The Subrecipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

5. All Subawards ("Subgrants") must have specific federal authorization

The Subrecipient must comply with all applicable requirements for authorization of any Subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "Subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any Subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All Subawards ("Subgrants") must have specific federal authorization), and are incorporated by reference here.

6. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The Subrecipient must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of

federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a Subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

7. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used.

a. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- Including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no Subrecipient may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

b. Monitoring

The Subrecipient's monitoring responsibilities include monitoring of compliance with this condition.

c. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and

allocable costs (if any) of actions designed to ensure compliance with this condition.

d. Rules of construction

- o The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor, grant Subrecipient, agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.
- o Nothing in this condition shall be understood to authorize or require any Subrecipient or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

8. Requirements Pertaining to Prohibited Conduct Related to Trafficking in Persons (Including reporting requirements and OJP authority to terminate award)

The Subrecipient must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of Subrecipients, Subrecipients ("Subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the Subrecipient or of any Subrecipient.

The details of the Subrecipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by Subrecipients and Subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

9. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ, the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award is to benefit a set of individuals under 18 years of age.

The Subrecipient must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition:



Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

10. Compliance with Applicable Rules Regarding Approval, Planning, and Reporting of Conferences, Meetings, Trainings, and Other Events

The Subrecipient must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

11. OJP Training Guiding Principles

Any training or training materials that the Subrecipient develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

12. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 42

The Subrecipient must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

13. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The Subrecipient must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

14. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The Subrecipient must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any

applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to Subrecipient organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to Subrecipients and Subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

#### 15. Restrictions on "Lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the Subrecipient, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the Subrecipient to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, Subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a Subrecipient would or might fall within the scope of these prohibitions, the Subrecipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

#### 16. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019)

The recipient, and any Subrecipient ("Subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out at

<https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a Subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

17. Reporting Potential Fraud, Waste, & Abuse

The Subrecipient must promptly refer to DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, Subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

18. Restrictions and Certifications Regarding Non-Disclosure Agreements and Related Matters

No Subrecipient under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

a. In accepting this award, the Subrecipient:

- o Represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

- o Certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
- b. If the Subrecipient does or is authorized under this award to make Subawards, procurement contracts, or both:
- o It represents that (1) It has determined that no other entity that the Subrecipient's application proposes may or will receive award funds (whether through a Subaward, procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and (2) It has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
  - o It certifies that, if it learns or is notified that any Subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

19. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The Subrecipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The Subrecipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the Subrecipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

#### 20. Encouragement of Policies to Ban Text Messaging while Driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Subrecipient understands that DOJ encourages Subrecipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

#### 21. Use of Funds; No Research

Funds provided under this Subaward shall be used only for the purposes and types of expenses set forth in the Request for Application. Funds shall not be used for general law enforcement functions or non-forensic investigatory functions, and shall not be used for research or statistical projects or activities. Use of Subaward funds for construction of new facilities is restricted by statute. Any questions concerning this provision should be directed to the Cal OES Program Specialist prior to incurring the expense or commencing the activity in question.

#### Performance Measures

To ensure compliance with the Government Performance and Results Act (Pub. L. No. 103-62) and the GPRA Modernization Act of 2010 (Pub. L. No. 111-352), program performance under this Subaward is measured by the following:

- o Percent reduction in the average number of days from the submission of a sample to a forensic science laboratory to the delivery of test results to a requesting office or agency (calculated by reporting the average number of days to process a sample at the beginning of the grant period versus the average number of days to process a sample at the end of the grant period);
- o Percent reduction in the number of backlogged forensic cases (calculated by reporting the number of backlogged forensic cases at the beginning of the grant period versus the number of backlogged forensic cases at the end of grant period), if applicable to the Subaward; and
- o The number of forensic science or medical examiner/coroner's office personnel who completed appropriate training or educational opportunities with these Coverdell funds, if applicable to the Subaward. Subrecipients are required to collect and report data relevant to these measures.

22. The Subrecipient understands and agrees that gross income (revenues) from fees charged for forensic science or medical examiner services constitutes program income (in whole or in part), and that program income must be determined, used, and documented in accordance with the provisions of 2 C.F.R. 200.307, including as applied in the Department of Justice (DOJ) Grants Financial Guide, as it may be revised from time to time. The recipient further understands and agrees that both program income earned during the award period and expenditures of such program income must be reported on the quarterly and final Federal Financial Reports (SF 425) and are subject to audit.

The Subrecipient understands and agrees that program income earned during the award period may be expended only for permissible uses of funds specifically identified in the solicitation for the Paul Coverdell Forensic Science Improvement Grants Program. The recipient further understands and agrees that program income earned during the award period may not be used to supplant State or local government funds, but instead may be used only to increase the amount of funds that would, in the absence of Federal funds or program income, be available from State or local government sources for the permissible uses of funds listed in the solicitation.

The Subrecipient understands and agrees that program income that is earned during the final ninety (90) days of the award period may, if appropriate, be obligated (as well as expended) for permissible uses during the ninety-day (90-day) period following the end of the award period. The recipient further understands and agrees that any program income earned during the award period that is not obligated and expended within ninety (90) days of the end of the award period must be returned to OJP.

23. The Subrecipient acknowledges that, as stated in the solicitation for the Paul Coverdell Forensic Science Improvement Grants Program, NIJ assumes that Subrecipients of Coverdell funds will make use of the process referenced in their certification as to external investigations and will refer allegations of serious negligence or misconduct substantially affecting the integrity of forensic results to government entities with an appropriate process in place to conduct independent external investigations, such as the government entity (or entities) identified in the grant application. The recipient shall submit the following information as part of its final report: (1) the number and nature of any allegations of serious negligence or misconduct substantially affecting the integrity of forensic results received during the 12-month period of the award; (2) information on the referrals of such allegations (e.g., the government entity or entities to which referred, the date of referral); (3) the outcome of such referrals (if known as of the date of the report); and (4) if any such allegations were not referred, the reason(s) for the non-referral. Should the project period for this award be extended, the recipient shall submit the above information as to the first twelve months of the award as part of the first semi-annual progress report that comes due after the conclusion of the first twelve months of the project period, and shall submit the required information as to subsequent twelve-month periods every twelve months.

thereafter (as part of a semi-annual progress report) until the close of the award period, at which point the recipient shall submit the required information as to any period not covered by prior reports as part of its final report. The recipient understands and agrees that funds may be withheld (including funds under future awards), or other related requirements may be imposed, if the required information is not submitted on a timely basis.

24. To assist in information sharing, the award Subrecipient shall provide the Cal OES grant manager with a copy of publications (including those prepared for conferences and other presentations) resulting from this award, prior to or simultaneous with their public release. NIJ defines publications as any written, visual or sound material substantively based on the project, formally prepared by the award recipient for dissemination to the public. Submission of publications prior to or simultaneous with their public release aids NIJ in responding to any inquiries that may arise. Any publications - excluding press releases and newsletters - whether published at the recipient's or government's expense, shall contain the following statement: "This project was supported by Award No. \_\_\_\_\_, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice." This statement shall appear on the first page of written publications. For audio and video publications, it shall be included immediately after the title of the publication in the audio or video file.

25. The Subrecipient shall transmit to the Cal OES grant manager copies of all official award-related press releases at least ten (10) working days prior to public release. Advance notice permits time for coordination of release of information by Cal OES and NIJ where appropriate and to respond to press or public inquiries.

26. Copyright; Data Rights

The Subrecipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under Subaward; and (2) any rights of copyright to which a Subrecipient purchases ownership with Federal support.

The Subrecipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under a Subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the Subrecipient to ensure that this condition is included in any Subaward under this Subaward.

The Subrecipient has the responsibility to obtain from Subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the Subrecipient's obligations to the Government under this Subaward. If a proposed Subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the Subrecipient shall promptly bring such refusal to the attention of the Cal OES Program Specialist for the Subaward and not proceed with the agreement in question without further authorization from Cal OES.

27. The Subrecipient agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this Subaward.

**Environmental Assessment (EA):** The Subrecipient agrees and understands that funded activities (whether conducted by the Subrecipient or contractors) may require the preparation of an EA as defined by the Council on Environmental Quality's Regulations for implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), found at 40 CFR Part 1500. An EA is a concise public document that briefly provides sufficient analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact for the proposed activity. If in completing an EA for a proposed activity, potential adverse environmental impacts are identified, the EA will serve as a vehicle for developing either alternative approaches or mitigation measures for avoiding or reducing the identified adverse environmental impacts.

**Modifications:** Throughout the term of this Subaward, the Subrecipient agrees that for any activity that is the subject of a completed EA, it will inform Cal OES of (1) any change(s) that it is considering making to the previously assessed activity that may be relevant to environmental impact; or (2) any proposed new activities or changed circumstances that may require assessment as to environmental impact, such as new activities that involve the use of chemicals or involve construction or major renovation. The Subrecipient will not implement a proposed change or new activity until NIJ, with the assistance of the recipient, has determined whether the proposed change or activity (or changed circumstances) will require additional review under NEPA. Approval for implementation will not be unreasonably withheld as long as any requested modification(s) is consistent with eligible program purposes and found acceptable under an NIJ-conducted environmental impact review process.



All appropriate documentation must be maintained on file by the project and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Subrecipient may be ineligible for Subaward of any future grants if the Cal OES determines that any of the following has occurred: (1) the Subrecipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

### CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Subaward [Section 15 on Grant Subaward Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant Subrecipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: 

Authorized Official's Typed Name: Michael Moulton

Authorized Official's Title: Chief of Police

Date Executed: 3/15/20


Federal Employer ID #: 956000703 Federal DUNS #: 078727393

Current System for Award Management (SAM) Expiration Date: ~~11/21/20~~ 10/2/2019

Executed In the City/County of: El Cajon/San Diego

### AUTHORIZED BY: (not applicable to State agencies)

- |  |   |
|--|---|
| <input type="checkbox"/> City Financial Officer  | <input type="checkbox"/> County Financial Officer |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> County Manager           |
| <input type="checkbox"/> Governing Board Chair   |   |

Signature: 

Typed Name: Graham Mitchell

Title: City Manager

**BUDGET CATEGORY AND LINE ITEM DETAIL**

|   |                       |
|---|-----------------------|
| Subrecipient: City of El Cajon  | Subaward #:CQ19036511 |
| <b>A. Personal Services – Salaries/Employee Benefits</b>  | <b>COST</b>           |
| Employee Forensic Evidence Technician Overtime -<br>\$51.33 (hourly wage) X 142.97 hours - Not Opioid | \$7,339               |
| Personal Section Totals   |                       |
| <b>PERSONAL SECTION TOTAL</b>   | <b>\$7,339</b> VH     |

BUDGET CATEGORY AND LINE ITEM DETAIL

|   |   |
|---|---|
| Subrecipient: City of El Cajon  | Subaward #: CQ19036511                  |
| <b>B. Operating Expenses</b>  | <b>COST</b>                             |
| Qty 3 Cannon EOS M6 Mark II cameras with accessories (3 X \$1140.33) - Not Oploid | \$3,421                                 |
| Personal Section Totals   |   |
| <b>PERSONAL SECTION TOTAL</b>   | <b>Operating Expenses Total \$3,421</b> |

VA

VH

BUDGET CATEGORY AND LINE ITEM DETAIL

| Subrecipient: City of El Cajon  | Subaward #: CQ19036511 |
|---|------------------------|
| C. Equipment  | COST                   |
| Crime-Lite 8X4 MK2, white light and VIS fluorescence<br>INC View FILT, FLS light source with adaptors, CSU-2<br>Cylindrical surface un wrapper, Crime -Lite 8X4 for IR<br>Powders (accessories for DCS5) - Not Oplaid | \$42,032               |
| Equipment Section Totals  |                        |
| <b>EQUIPMENT SECTION TOTAL</b>  | <b>\$42,032</b> ✓      |
| Same as Section 12C on the Grant Subaward face (see)  |                        |
| <b>Total Project Cost</b>   | <b>\$52,792</b> ✓      |

### VSPS Budget Summary Report

|   |   |
|---|---|
| <b>CQ19 Paul Coverdell Forensic Science Improvement Program</b><br>El Cajon, City of<br>Paul Coverdell Forensic Science Improvement Program | <b>Subaward #: CQ19 03 6511</b><br><b>Performance Period: 01/01/20 - 12/31/20</b><br><b>Latest Request: , Not Final 201</b> |
|---|---|

**A. Personal Services - Salaries/Employee Benefits**

| <u>F/S/L</u>  | <u>Funding Source</u> | <u>Budget Amount</u> | <u>Paid/Expended</u> | <u>Balance</u> | <u>Pending</u> | <u>Pending Balance</u> |
|---|-----------------------|----------------------|----------------------|----------------|----------------|------------------------|
| F   | 19FSIA                | 7,339                | 0                    | 7,339          | 0              | 7,339                  |
| <b>Total A. Personal Services - Salaries/Employee Benefits:</b> |                       | <b>7,339</b>         | <b>0</b>             | <b>7,339</b>   | <b>0</b>       | <b>7,339</b>           |

**B. Operating Expenses**

| <u>F/S/L</u>                        | <u>Funding Source</u> | <u>Budget Amount</u> | <u>Paid/Expended</u> | <u>Balance</u> | <u>Pending</u> | <u>Pending Balance</u> |
|-------------------------------------|-----------------------|----------------------|----------------------|----------------|----------------|------------------------|
| F                                   | 19FSIA                | 3,421                | 0                    | 3,421          | 0              | 3,421                  |
| <b>Total B. Operating Expenses:</b> |                       | <b>3,421</b>         | <b>0</b>             | <b>3,421</b>   | <b>0</b>       | <b>3,421</b>           |

**C. Equipment**

| <u>F/S/L</u>               | <u>Funding Source</u> | <u>Budget Amount</u> | <u>Paid/Expended</u> | <u>Balance</u> | <u>Pending</u> | <u>Pending Balance</u> |
|----------------------------|-----------------------|----------------------|----------------------|----------------|----------------|------------------------|
| F                          | 19FSIA                | 42,032               | 0                    | 42,032         | 0              | 42,032                 |
| <b>Total C. Equipment:</b> |                       | <b>42,032</b>        | <b>0</b>             | <b>42,032</b>  | <b>0</b>       | <b>42,032</b>          |

|                            | <u>Budget Amount</u> | <u>Paid/Expended</u> | <u>Balance</u> | <u>Pending</u> | <u>Pending Balance</u> |
|----------------------------|----------------------|----------------------|----------------|----------------|------------------------|
| <b>Total Local Match:</b>  | <b>0</b>             | <b>0</b>             | <b>0</b>       | <b>0</b>       | <b>0</b>               |
| <b>Total Funded:</b>       | <b>52,792</b>        | <b>0</b>             | <b>52,792</b>  | <b>0</b>       | <b>52,792</b>          |
| <b>Total Project Cost:</b> | <b>52,792</b>        | <b>0</b>             | <b>52,792</b>  | <b>0</b>       | <b>52,792</b>          |

F/S/L (Funding Types): F=Federal, S=State, L=Local Match

Paid/Expended=posted in ledger w/Claim Schedule, Pending=Processed, but not yet in Claim Schedule

05/19/20



City Council  
Agenda Report

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Jamie Van Ravesteyn, Housing Manager  
**SUBJECT:** FY 2020 Regional Analysis of Impediments to Fair Housing

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RECOMMENDATION:

That the City Council:

1. Reviews and accepts the proposed FY 2020 Regional Analysis of Impediments to Fair Housing Choice; and
2. Authorizes the City Manager or designee to certify its completion.

BACKGROUND:

The U.S. Department of Housing and Urban Development (HUD) provides funding annually to eligible jurisdictions relative to the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs. In order to be eligible, each jurisdiction must certify that it will “affirmatively further fair housing” (AFFH) through the following actions:

- Complete an Analysis of Impediments to Fair Housing Choice once every five years;
- Take actions to eliminate identified impediments; and
- Maintain fair housing records.

HUD defines AFFH as taking meaningful steps, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, AFFH means taking actions to address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

In the San Diego region, jurisdictions have been successfully working together as the San Diego Regional Alliance for Fair Housing (SDRAFFH), (formerly the Fair Housing Resources Board), to conduct a regional analysis (AI) every five years since 2000. Participation in this collaborative effort reduces costs for each jurisdiction, and fulfills HUD’s requirement for a region-wide approach in addressing fair housing impediments. The proposed 2020 AI was managed by Veronica Tam & Associates and included each city and the county. There were multiple community workshops conducted, surveys administered in multiple languages, review of previous AIs, Housing Elements, Zoning Codes, lending industry research, discrimination complaint records, fair housing test results, and interviews with several stakeholders. In El Cajon, an East County workshop was held at the Police Department Community Room on November 6, 2019. Results of surveys and key issues identified are included in Chapter 2 and

Appendix A of the proposed AI.

A draft of the proposed AI is currently available on the City's website and in the City Hall first floor lobby for a minimum 30-day public comment period which will end on June 9, 2020. The attached Executive Summary provides an overview of the findings and recommendations that will be included in the proposed AI. In lieu of attaching the AI to this report, a complete draft is available on the City's webpage located at [www.cityofelcajon.us/housing](http://www.cityofelcajon.us/housing).

#### SUMMARY OF FINDINGS:

The proposed AI provides overall regional findings and recommendations, as well as recommendations specific for each jurisdiction. It also discusses impediments identified in previous AIs, the region's progress in addressing those impediments, and also identifies new ones.

Some of the key region-wide recommendations include:

- Continue efforts to increase education and outreach activities through multi-media platforms and meeting/discussion forums while involving neighborhood groups and other community organizations
- Collaborate and coordinate with the Reinvestment Task Force to receive annual reporting on progress in outreach and education
- Continue to expand the affordable housing inventory as funding allows
- Promote the housing choice voucher program to rental property owners
- Increase housing choice for special needs populations
- Provide periodic press releases on outcomes of fair housing complaints and litigation
- Conduct random testing on a regular basis to identify issues, trends, and problem properties
- Diversify and expand housing stock to meet housing needs of different groups and promote equal access to information for all residents

All previous recommendations specific to El Cajon have been addressed. New recommendations include updating the Zoning Code in accordance with new state laws specific to low barrier navigation centers, supportive housing, emergency shelters for the homeless, and accessory dwelling units. These recommendations will be addressed over the next five-year period and will be discussed annually in the City's Annual Action Plan. The City's progress in addressing the impediments is reported each year in the Consolidated Annual Performance and Evaluation Report (CAPER), which is also available for public review on the City's webpage at [www.cityofelcajon.us/housing](http://www.cityofelcajon.us/housing).

Comments received as a result of the public review period and this public meeting will be incorporated into the final document. The final 2020 AI will be posted on the City's webpage at [www.cityofelcajon.us/housing](http://www.cityofelcajon.us/housing) for the next five years until its expiration.

#### FISCAL IMPACT:

There will be no fiscal impact to the General Fund. The costs to prepare the 2020 AI were budgeted in and will be paid from CDBG funds.

Prepared By: Jamie van Ravesteyn, Housing Manager

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

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## Attachments

Executive Summary

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San Diego County boasts an estimated population of over three million residents, making it the second most populous county in California, and fifth in the nation. Diversity among its residents, in terms of cultural backgrounds and socioeconomic characteristics, makes San Diego County a desirable area to live. To continue nurturing this diversity, civic leaders must ensure that an environment exists where equal access to housing opportunities is treated as a fundamental right.

### Purpose of the Analysis of Impediments

The communities within San Diego County have established a commitment to providing equal housing opportunities for their existing and future residents. This report, the Analysis of Impediments to Fair Housing Choice (commonly known as the “AI”), presents a demographic profile of San Diego County, assesses the extent of housing needs among specific income groups, and evaluates the range of available housing choices for residents. The AI also analyzes the conditions in the private market and public sector that may limit the range of housing choices or impede a person’s access to housing. More importantly, this AI identifies impediments that may prevent equal housing access and develops solutions to mitigate or remove such impediments.

### Participating Jurisdictions

The AI covers the entirety of San Diego County, including the 18 incorporated cities and all unincorporated areas:

- City of Carlsbad
- City of Chula Vista
- City of Coronado
- City of Del Mar
- City of El Cajon
- City of Encinitas
- City of Escondido
- City of Imperial Beach
- City of La Mesa
- City of Lemon Grove
- City of National City
- City of Oceanside
- City of Poway
- City of San Diego
- City of San Marcos
- City of Santee
- City of Solana Beach
- City of Vista
- Unincorporated County

### Community Outreach

The San Diego Regional Alliance for Fair Housing (SDRAFFH), comprised of representatives from the participating jurisdictions listed above, fair housing professionals, and housing advocates, helped coordinate the development of the AI, especially the outreach process.

### Community Workshops

Six community workshops were held in communities throughout the County in October and November 2019 to gather input regarding fair housing issues in the region. The locations and dates of the workshops were as follows:

| Area of County  | Location                                    | Date              |
|-----------------|---|-------------------|
| Central Region  | LISC San Diego, San Diego, CA               | October 30, 2019  |
| Eastern Region  | El Cajon Police Department, El Cajon, CA    | November 6, 2019  |
| Northern Region | Escondido City Hall, Escondido, CA          | November 7, 2019  |
| Central Region  | Valencia Park/Malcolm X Library             | November 13, 2019 |
| Southern Region | Chula Vista City Hall, Chula Vista, CA      | November 20, 2019 |
| Southern Region | MLK Jr. Community Center, National City, CA | November 21, 2019 |

During the community workshops, several recurring comments were recorded:

1. Individuals and families in the following protected classes shared experiences of housing discrimination:
  - Homeless
  - Sexual orientation
  - Individual with an emotional support animal
  - Family with deported father
  - Women with adopted children
  - Families with children with autism
  - Source of income or type of work
2. Many people have difficulty finding and accessing information about Fair Housing due to lack of access to computer/internet, knowing where to get the right information, cultural barriers, and lack of education in schools.
3. Need to improve how information is provided to community members by relating messaging to people's lives, letting people know they will learn something, simplifying language and documents.
4. Need to make sure that there are representatives at different agencies and providers that can communicate in different languages of local community.

### Stakeholder Interviews

In addition to the input given by representatives from local organizations in attendance at the community workshops, key stakeholders were contacted for one-on-one interviews about the AI. Participants represented organizations that provide fair housing services and/or complementary and

related support services. A representative from each of the following organizations participated in a telephone interview:

| Stakeholder                                    | Contact   |
|--|---|
| Alliance for Regional Solutions                | Mary Lynn McCorkle, Collaborations Manager<br>October 30, 2019            |
| CSA San Diego                                  | Estela De Los Rios, Executive Director<br>November 6, 2019                |
| Elder Help San Diego                           | Robin Strickland, Housing Services Coordinator<br>November 7, 2019        |
| La Maestra Community Health Centers            | John Kuek, Director of Integrated Community Services<br>November 13, 2019 |
| Legal Aid Society of San Diego County          | Rosalina Spencer, Lead Lawyer<br>November 20, 2019                        |
| National Alliance on Mental Illness            | Aaron Basila, Community Outreach Worker<br>November 21, 2019              |
| Regional Task Force on the Homeless            | Jennifer Yost, Director of Grants Management                              |
| San Diego Housing Federation                   | Laura Nunn, Director of Policy and Programs                               |
| Southern California Rental Housing Association | Molly Kirkland, Director of Public Affairs                                |

The following summary of findings reflects collective input from the interviewees:

1. Challenges to building community awareness include:
  - Keeping up with updates to laws and regulations
  - Identifying community partners to share information with and provide training
  - Resistance to change by homeowners
  - Language barriers
  
2. Common fair housing misconceptions and misunderstandings include:
  - Difficult or complex laws and requirements, different requirements for different programs, and difficulty navigating process
  - Not understanding role of different agencies or service providers
  - Terminology and different definitions or understanding of terms like discrimination, affordable housing, intent, or eviction
  - Lack of understanding about different individuals or people who are homeless, suffering from mental illness, live in permanent supportive housing

**Fair Housing Survey**

The survey was available in multiple languages, including English, Spanish, Tagalog, Chinese, Arabic, and Vietnamese on the websites of the County and all participating jurisdictions. Hard copies of the survey were provided to a number of local agencies for distribution to their clients. The community

workshop flyer, including links to the online survey, was mailed to over 1,000 housing and service providers, encouraging them to provide their unique perspective by participating in the Community Needs Survey. A total of 1,132 persons responded to the Housing Discrimination Survey. The majority of survey respondents felt that housing discrimination was not an issue in their neighborhoods. There were 305 persons who answered “YES” to whether they have personally experienced discrimination in housing.

## **Community Profile**

### **Population Growth**

Examination of demographic characteristics provides some insight regarding the need and extent of equal access to housing in a community. Overall, San Diego County experienced a 10 percent increase in population from 2000 to 2010. From both 2000 to 2010 and 2010 to 2019, the cities of San Marcos, Chula Vista, and Carlsbad had the largest growth. All cities experienced a population growth in the last decade except for the city of Coronado, whose population dropped by two percent. The median age in San Diego County is increasing steadily. Based on the 2017 American Community Survey, 12.9 percent of the population in San Diego County was age 65 or over (seniors), with another 11.6 percent in the 55 to 64 age group (future seniors).

### **Race/Ethnicity**

San Diego County’s residents have become increasingly diverse in their race and ethnic compositions since 1970. The County of San Diego became a minority-majority area between 2000 and 2010, when the percent minority population increased from 45.1 to 51.5 percent. The proportion of minority population continued to increase between 2010 and 2017 to 53.8 percent.

### **Race and Ethnic Concentration**

A significant portion of San Diego County’s population is also foreign born. According to the 2013-2017 ACS, one-fourth of the county’s population is foreign born and almost 90 percent of them are from non-European countries. About half of foreign-born residents in the county are from Latin America and a large portion of immigrants are from Asian countries (38 percent).

### **Housing Age and Condition**

Assessing housing conditions in the County can provide the basis for developing policies and programs to maintain and preserve the quality of the housing stock. Housing age can indicate general housing conditions within a community. The housing stock in the San Diego region is older, with a majority of the housing units (54 percent) built before 1979 and is at least 40 years old (Table 36). The highest percentages of pre-1980 housing units are generally found in the older, urbanized neighborhoods of the cities of La Mesa, Lemon Grove, El Cajon, San Diego, Coronado and National City and will most likely have the largest proportions of housing units potentially in need of rehabilitation. Home rehabilitation can be an obstacle for senior homeowners with fixed incomes and mobility issues.

### **Housing Cost and Affordability**

The cost of homeownership varies within San Diego County depending on the community. In 2019, the median sales price for homes in San Diego County was \$594,909, an increase of 38 percent from 2014. Home prices vary by area/jurisdiction, with very high median prices in coastal areas such as the

cities of Coronado, Del Mar, and Solana Beach. Imperial Beach and Lemon Grove had the lowest median sales price in the region. The countywide median home sales price in 2019 (\$594,909) places home ownership out of reach for all low- and moderate-income households. When homeownership is out of reach, rental housing is the only viable option for many low-income persons.

### **Adverse Community Factors**

The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology, called the California Communities Environmental Health Screening Tool (CalEnviroScreen), to help identify California communities that are disproportionately burdened by multiple sources of pollution. The CalEnviroScreen reveals that high scoring communities tend to be more burdened by pollution from multiple sources and most vulnerable to its effects, taking into account their socioeconomic characteristics and underlying health status. In San Diego County, the areas indicated as having higher EnviroScreen scores generally match the geographic distribution of minorities, low- and moderate-income persons, and poverty concentrations.

### **Lending Practices**

#### **Overall Lending Patterns**

A key aspect of fair housing choice is equal access to credit for the purchase or improvement of a home, particularly in light of the recent lending/credit crisis. In 2017, a total of 37,949 households applied for conventional loans to purchase homes in San Diego County, representing an increase of approximately 41 percent from 2012. This trend is indicative of a housing market that is slowly recovering from its peak in 2006-2007. The loan approval rates varied somewhat by jurisdiction. Applications from the cities of Carlsbad, La Mesa, Poway and Santee generally exhibited higher approval rates (over 67 percent). By contrast, applications from the cities of National City, Imperial Beach, and Chula Vista had slightly lower approval rates (ranging from 57 percent to 61 percent). In 2012, the cities of La Mesa, Carlsbad, and Poway recorded the highest home loan approval rates; these approval rates ranged from 74 to 76 percent. The cities with the lowest loan approval rates were the same in 2012 as in 2017 (Imperial Beach, Chula Vista, and National City, under 65 percent). Aside from income, another major impediment to securing a home loan is insufficient understanding of the homebuying and lending processes. About 14 percent of all applications countywide were withdrawn by the applicants or deemed incomplete by the financial institution in 2012. The rate of withdrawn or incomplete applications was higher in 2017 (21 percent).

#### **Lending by Race/Ethnicity**

In an ideal environment, the applicant pool for mortgage lending should be reflective of the demographics of a community. When one racial/ethnic group is overrepresented or underrepresented in the total applicant pool, it could be an indicator of unequal access to housing opportunities. Throughout San Diego County, White applicants were noticeably overrepresented in the loan applicant pool, while Hispanics were severely underrepresented. The underrepresentation of Hispanics was most acute in the cities of Escondido (-33 percent), Vista (-32 percent), and Imperial Beach (-30 percent).

### **Top Lenders**

In 2017, about 38 percent (39,017 applications) of all loan applications in San Diego County were submitted to one of the County's top ten lenders. The top two lenders in the county in 2017 were Wells Fargo Bank and JP Morgan Chase Bank.

### **Subprime Lending**

Subprime lending can both impede and extend fair housing choice. While Home Mortgage Disclosure Act (HMDA) data does not classify loans as subprime, it does track the interest rate spread on loans. In 2005, the Federal Reserve Board required lenders to report rate spreads for loans whose Annual Percentage Rate (APR) was above the U.S. Department of the Treasury benchmark. Loans with a reported spread are typically referred to as higher-priced or subprime loans. The number of subprime loans issued has decreased substantially over time. In 2012, approximately one percent of all loans issued had a reported spread but, by 2017, almost four percent of loans issued were subprime loans. What appears to be most troubling, however, is that Black and Hispanic applicants seem to be significantly more likely to receive these higher-priced loans. In 2012 and 2017, Blacks and Hispanics were twice as likely as Asians to receive a subprime loan. White applicants utilizing subprime loans were limited.

### **Public Policies**

#### **Housing Element Compliance**

Public policies established at the regional and local levels can affect housing development and therefore, may have an impact on the range and location of housing choices available to residents. A Housing Element found by the State Department of Housing and Community Development (HCD) to be in compliance with State law is presumed to have adequately addressed its policy constraints. According to HCD, all 19 Housing Elements for participating jurisdictions (including the County) for the fifth cycle (2013-2020) are in compliance.

#### **Zoning Amendments to Remove Impediments to Special Needs Housing**

As part of the 2013-2021 Housing Element update, most jurisdictions have already addressed the provisions for special needs housing. However, some jurisdictions in the region have yet to address issues such as:

- Density bonus
- Residential care facilities
- Farmworker housing
- Employee housing

## Fair Housing Data

Two agencies provided fair housing services to San Diego County residents: CSA San Diego County (CSA) and Legal Aid Society of San Diego (LASSD).

**CSA San Diego County (CSA):** Between FY 2014 and FY 2018, CSA provided fair housing services to approximately 1,000 San Diego County residents per year—for a total of 6,276 clients over the five-year period. The majority of CSA’s clients during this period came from El Cajon (35 percent), Chula Vista (21 percent), and the unincorporated County.

**Legal Aid Society of San Diego (LASSD):** Between FY 2014 and FY 2018, LASSD served over 19,000 San Diego County residents. The majority of LASSD client households during this five-year time period resided in the City of San Diego (53 percent), El Cajon (nine percent) and Oceanside (eight percent).

In addition, fair housing complaints were filed with HUD and with the State Department of Fair Employment and Housing (DFEH) for investigation and enforcement:

**HUD:** From October 1, 2014 to September 30, 2019, 414 fair housing complaints in San Diego County were filed with HUD (Table 10). About 44 percent of complaints filed were from residents of the City of San Diego. A fair number of complaints were also filed from residents of Oceanside (11 percent) and Chula Vista (seven percent).

Overall, disability-related discrimination was the most commonly reported—comprising 53 percent of all cases (Table 11). Complaints concerning race (12 percent), retaliation (10 percent), and familial status (nine percent) were also regularly reported. Half of all complaints filed (50 percent or 206 cases) were deemed to have no cause and another 28 percent (115 cases) were conciliated or settled.

## Fair Housing Impediments

Based on the analysis conducted for this AI, the following is a preliminary list of fair housing impediments identified in San Diego County:

- **Outreach and Education:** Fair housing education is identified as one of the most important strategies for furthering fair housing. However, traditional outreach methods of publishing notices and press releases in newspapers and posting information on websites are not adequate to reach the general public with diverse needs and interests. Outreach methods should be expanded to include other media of communications, and also utilize networks of neighborhood groups and organizations.
- **Enforcement:** Rigorous enforcement of fair housing laws is most effective in deterring housing discrimination. However, not enough enforcement activities are pursued. Fair housing service providers should encourage victims to pursue litigation and refer victims to agencies and organizations with the capacity to handle litigation. Also, favorable outcomes in litigation should be publicized to encourage other victims to come forward.
- **Linguistic Isolation:** In San Diego County, 15.4 percent of residents indicated they spoke English “less than very well” and can be considered linguistically isolated. The cities of National City, Chula Vista, El Cajon, and Escondido have the highest percentage of total residents who spoke English “less than very well”. Most of these residents were Spanish speakers.

- **Segregation:** Within San Diego County, there are RECAPs (Racially/Ethnically Concentrated Areas of Poverty) scattered in small sections of Escondido, El Cajon, La Mesa, Lemon Grove, National City, and Chula Vista. Larger RECAP clusters can be seen in the central/southern portion of the City of San Diego.
- **Lending:** Throughout San Diego County, White applicants were noticeably overrepresented in the loan applicant pool, while Hispanics were severely underrepresented. Black and Hispanic applicants also seem to be significantly more likely to receive subprime loans. The SDRAFFH and jurisdictions should meet with the lending community to discuss ways to expand access to financing for all but especially for minority households.
- **Public Policies:** Several jurisdictions within the County have yet to update their zoning ordinances to address recent changes to State Law. Jurisdictions should implement their Housing Element program commitments to amend the zoning ordinances in a timely manner.





City Council  
Agenda Report

Agenda Item 7.

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Dirk Epperson, Director of Public Works  
**SUBJECT:** Time Extension of Tentative Subdivision Map (TSM) 667; 999 Bostonia Street, Engineering Job No. 3591

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**RECOMMENDATION:**

That the City Council grants a one-year time extension for TSM 667 (999 Bostonia Street) and set the new expiration date to June 12, 2021; in accordance with Municipal Code Section 16.12.110.

**BACKGROUND:**

Public Works staff received a letter (copy attached) from the owner/contractor requesting a time extension for TSM 667. Resolution No. 066-18 conditionally approved TSM 667 with an expiration date of June 12, 2020. Section 16.12.110 of the Municipal Code allows for three one-year extensions. This request is the first of three allowable time extensions.

This project proposes an eight-lot subdivision on the east side of Bostonia Street, north of Broadway and south of Coker Way (APN: 484-240-19; General Plan Designation: Pending Low Medium Density Residential).

**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

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Attachments

Request for Map Extension Letter

Tentative Subdivision Map 667

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**MILTCO INC.**  
GENERAL CONSTRUCTION SPECIALISTS

565 NORTH MAGNOLIA AVE □ EL CAJON, CA 92020 □ (619) 441-1463 □ ~~EX~~ (619) 441-1498 □ LIC.# B-846112

Subject: 999 Bostonia Street, El Cajon, CA 92021

Dear Jaime,

This is a formal request for a one year extension on TSM 667. We are still working on corrections and need to have an extension for the map because it expires in June. Please get in touch with Christopher Clark if you have any questions about the project. His contact information is [chris@nwinvestmentinc.com](mailto:chris@nwinvestmentinc.com) and phone# (619) 636-7690

Sincerely,

Greg Brown Jr.

Owner/Contractor

# TENTATIVE SUBDIVISION MAP

OWNER / APPLICANT:

GREGORY M. BROWN JR. - PRESIDENT  
 BOSTONIAN REDEVELOPMENT VENTURES LP.  
 A CALIFORNIA CORPORATION  
 565 N. MAGNOLIA AVE.  
 EL CAJON, CA 92020

DATE

## TENTATIVE MAP NOTES

LEGAL DESCRIPTION: A PORTION OF LOT 14, BLOCK 15 IN THE SUBDIVISION OF THE "S" TRACT OF RANCHO EL CAJON, IN THE CITY OF EL CAJON, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 355

ASSESSOR'S PARCEL NO: 484-240-19

NAME OF PROPOSED SUBDIVISION: \_\_\_\_\_

SITE ADDRESS: 999 BOSTONIA STREET, EL CAJON CA 92021

TOTAL ACREAGE: 0.59 AC

EXISTING ZONING: R2

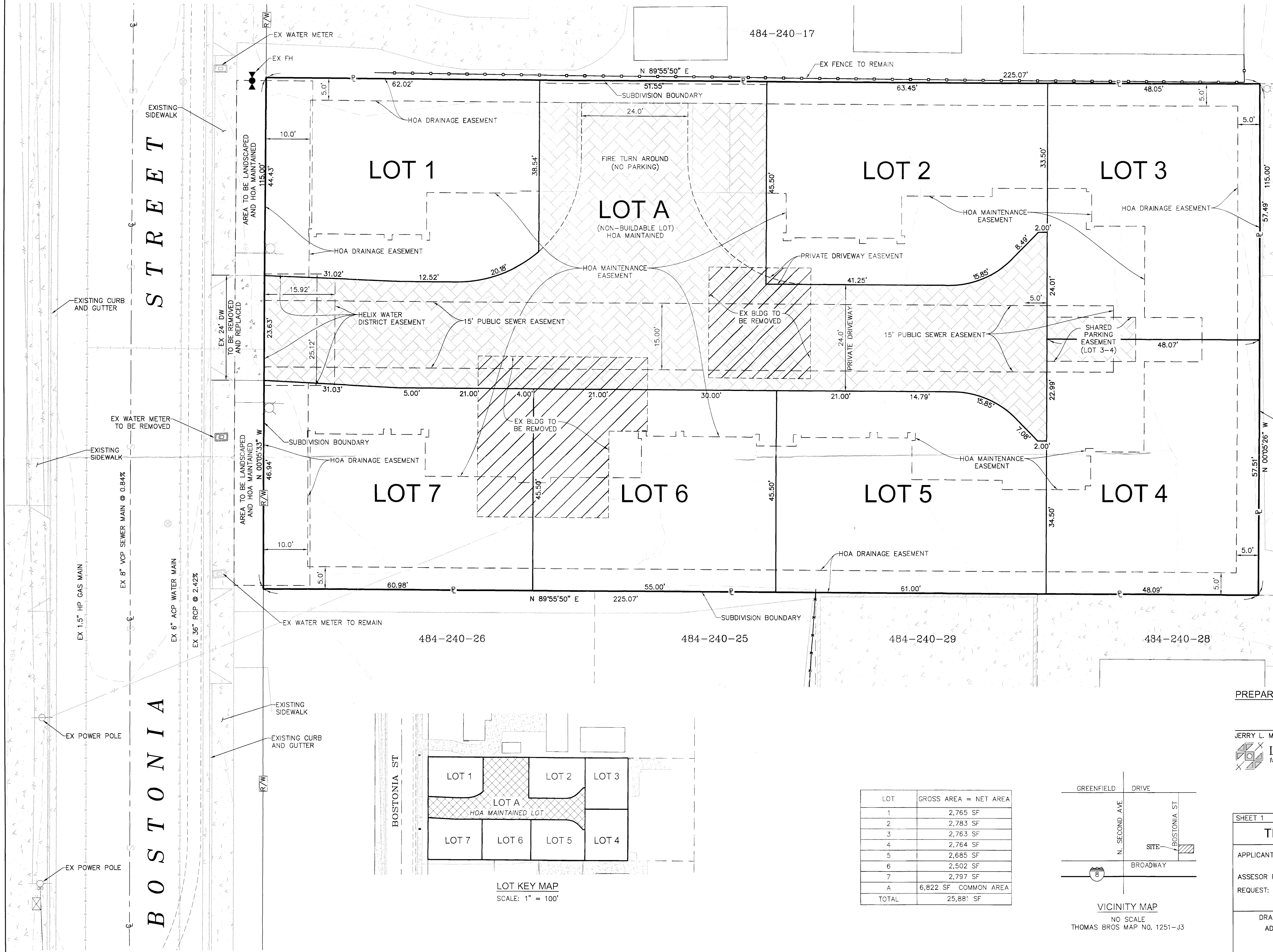
CUMULATIVE LOT AREA: 25,881 SQFT

AVERAGE LOT AREA: 3,235 SQFT

LOT "A" IS A NON-BUILDABLE LOT

## HOA MAINTENANCE NOTES

ALL PROPOSED LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY, OR WITH IN THE FRONT YARD AREAS, AND ALL PERVIOUS PAVERS (DRIVEWAYS, COMMON DRIVEWAYS AND SIDEWALKS) SHALL BE HOA MAINTAINED. HOA MAINTENANCE EASEMENT TO BE SHOWN ON FINAL MAP.

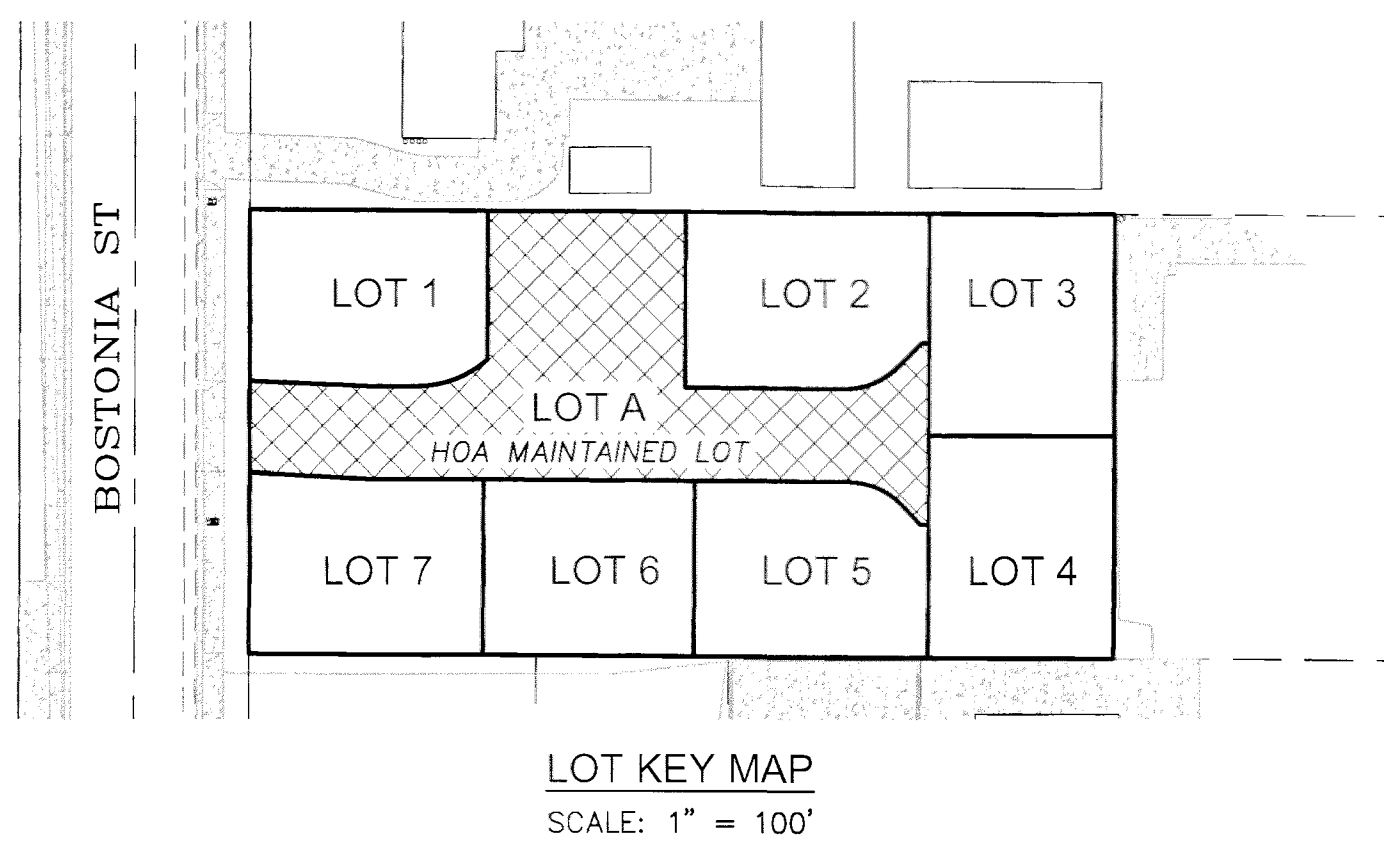
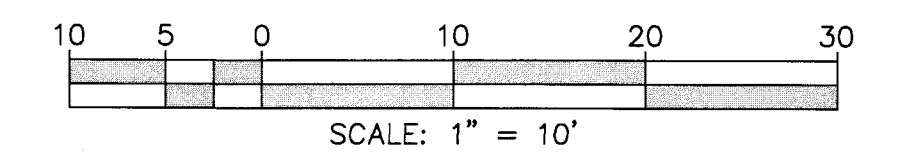
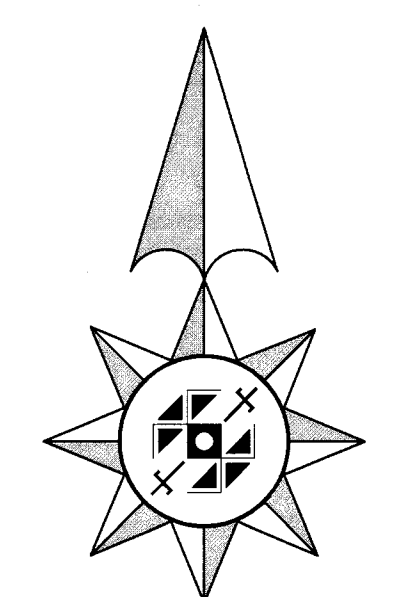


484-240-27

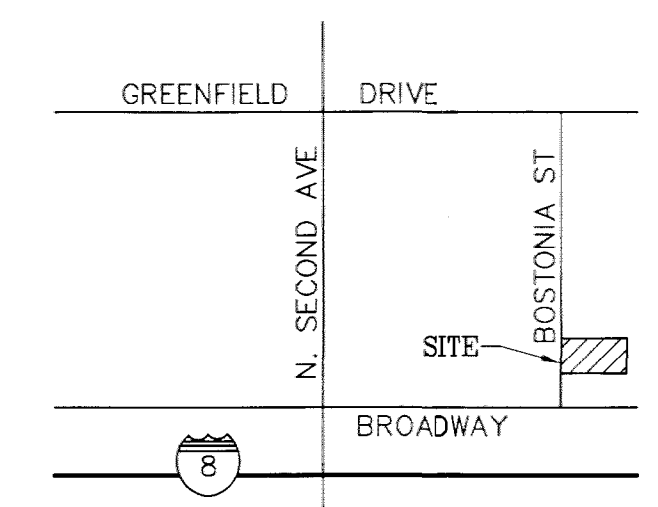
484-240-26

484-240-25

484-240-28



| LOT   | GROSS AREA = NET AREA |
|-------|-----------------------|
| 1     | 2,765 SF              |
| 2     | 2,783 SF              |
| 3     | 2,763 SF              |
| 4     | 2,764 SF              |
| 5     | 2,685 SF              |
| 6     | 2,502 SF              |
| 7     | 2,797 SF              |
| A     | 6,822 SF COMMON AREA  |
| TOTAL | 25,881 SF             |



PREPARED BY:

JERRY L. MICHAL RCE 42590 DATE  
**LANDOVIAN DRAFTING AND DESIGN**  
 15835 SPRING OAKS RD - EL CAJON, CA 92021 - 619-312-5147  
 REGISTERED PROFESSIONAL ENGINEER  
 JERRY L. MICHAL  
 No. C 42590  
 Exp. 3/31/18  
 CIVIL  
 STATE OF CALIFORNIA

SHEET 1 CITY OF EL CAJON 1 SHEET

## TENTATIVE SUBDIVISION MAP

APPLICANT: BOSTONIAN REDEVELOPMENT VENTURES LP.  
 GREGORY BROWN JR. - PRESIDENT

ASSESSOR PARCEL NO(S): 484-240-19

REQUEST: 7-UNIT SUBDIVISION

DRAWN BY: LANDOVIAN DRAFTING AND DESIGN  
 ADDRESS: 15935 SPRING OAKS ROAD  
 EL CAJON, CA 92021  
 PHONE: 619-312-5147

APPROVED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_



City Council  
Agenda Report

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Dirk Epperson, Director of Public Works  
**SUBJECT:** Time Extension of Tentative Subdivision Map (TSM) 666; 1044 South Mollison Avenue, Engineering Job No. 3574

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**RECOMMENDATION:**

That the City Council grants a one-year time extension for TSM 666 (1044 South Mollison Avenue) and sets the new expiration date to be July 26, 2021, in accordance with Municipal Code Section 16.12.110.

**BACKGROUND:**

Public Works staff received a letter (copy attached) from the property owner dated May 18, 2020, requesting a time extension for TSM 666. Resolution No. 068-16 conditionally approved TSM 666 with an expiration date of July 26, 2018. Section 16.12.110 of the Municipal Code allows for three one-year extensions. This request is the third of three allowable map time extensions.

TSM 666 will create a 20-lot residential subdivision, 19 residential lots and one common lot, located on the west side of South Mollison Avenue between Portland Street and East Chase Avenue (APN: 493-225-25-00; General Plan designation: Medium Density Residential).

**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

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Attachments

Letter Requesting Map Extension  
Tentative Subdivision Map 666

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# Skyridge Partners LLC

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May 18, 2020

City of El Cajon  
Attn: Yazmin Arellano  
200 Civic Center Way  
El Cajon, CA 92020

RE: Skyridge Partners Project – Tentative Map No. 666 Extension

To Whom It May Concern:

This letter requests a one-year tentative map extension be granted for TSM No. 666.

This map extension is requested due to ongoing engineering work currently being processed with the City of El Cajon which is required for Final Map approval.

Attached is check for \$380 fee.

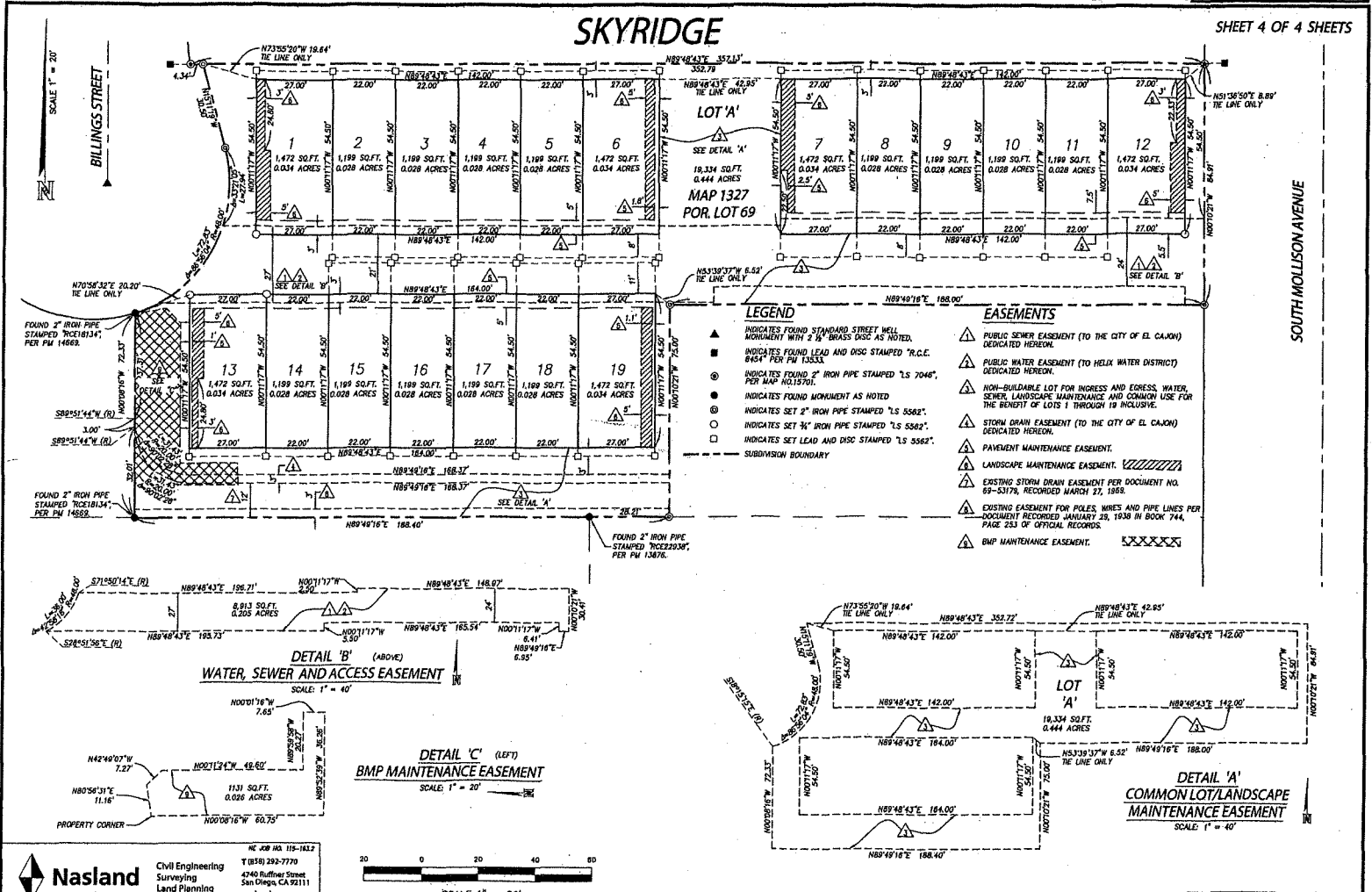
Thank you,

A handwritten signature in black ink, appearing to read 'Brad Burke', with a stylized flourish at the end.

Brad Burke  
(619)675-2510

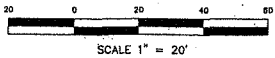
Cc: Jaime Campos, City of El Cajon

# SKYRIDGE



**Nasland** Civil Engineering  
Surveying  
Land Planning

NE JOB NO. 115-1132  
TEL 619 292-7770  
4740 Ruffalo Street  
San Diego, CA 92111  
nasland.com





## City Council Agenda Report

Agenda Item 9.

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Angela Cortez, City Clerk  
**SUBJECT:** General Municipal Election - November 3, 2020

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### RECOMMENDATION:

That the City Council adopts the next Resolutions, in order, in connection with the November 3, 2020, General Municipal Election:

1. Resolution Calling and Giving notice of the November 3, 2020, General Municipal Election for the election of three Members of the City Council of the City of El Cajon: one member each for District No. 2, District No. 3, and District No. 4, each serving a full four-year term to expire December 2024;
2. Resolution requesting the Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election on November 3, 2020;
3. Resolution adopting regulations for candidates calling for prepayment for a 200-word Candidate's Statement; and
4. Resolution adopting regulations to resolve a tie vote for the City Council Election by lot.

### BACKGROUND:

The Candidate Filing/Nomination Period for the General Municipal Election is:  
**Monday, July 13, 2020 - Friday, August 7, 2020, at 5:30 p.m.**

If an incumbent does not file by the deadline, the filing period is extended to Wednesday, August 12, 2020, at 5:30 p.m., for candidates other than incumbents.

Candidate packets with official filing documents and election information will be available, by appointment only, at the City Clerk's Office, City Hall, 200 Civic Center Way, during the filing/nomination period, beginning on Monday, July 13, 2020 through Friday, August 7, 2020. Hours of operation for City Hall are: Monday through Thursday 7:30 a.m. to 5:30 p.m., and on alternate Fridays from 8:00 am. to 5:00 p.m. Potential candidates are required to schedule an appointment by calling the City Clerk's office at [\(619\) 441-1763](tel:6194411763) to receive the packet and election information.

**NOTE:** During the Candidate Filing/Nomination Period, City Hall will be closed on Friday, July 24, 2020.

Prepaid Candidate's Statement:

Candidates may file a Candidate Statement for the Voters' Pamphlet. The City Council determines if the Statement is to be 200 or 400 words. Historically, the City Council has designated a 200-word statement, which equals one-half of a page, and is less cost to the candidate. A 400-word statement equals a full page.

The Federal Voting Rights Act requires that the San Diego County Area provides translated voters' pamphlets in Chinese, Spanish, Filipino and Vietnamese, therefore the translation is a requirement for all candidates' statements.

For previous elections, the City Council has required candidates to prepay the estimated costs of the Candidate Statement at the time Nominating Papers are submitted to the City Clerk. Staff is recommending that candidates prepay a deposit if they choose to file a 200-word Candidate Statement for the 2020 election. Because the number of registered voters in each District are each different, the recommended deposit will vary as follows: deposit for District No. 2: \$1,400; District No. 3: \$1,450; and District No. 4: \$1,350.

Tie Vote (Council Discretion):

The City Council may adopt a procedure to resolve a tie vote "by lot" or by conducting a special run-off election involving only those candidates receiving the highest, and equal, number of votes. A special run-off election may only be held if the City Council adopts that procedure prior to the Election resulting in a tie vote. Staff estimates the cost of a run-off election to be significantly higher than the cost of a consolidated election. For the November 2020 consolidated election, staff estimates the cost to be approximately \$61,000.

Consolidated Election:

The cities, school districts, and special districts in San Diego County consolidate municipal elections with the County Registrar of Voters to print the sample ballot, set up precincts and polling places and count the votes. By consolidating, the costs are shared among the participating agencies and are less than a "stand-alone" election.

**FISCAL IMPACT:**

Election costs are projected to be \$61,000, and will be paid from City Clerk (107000) appropriations, as proposed in the FY 2020-21 Preliminary Annual Budget.

Prepared By: Angela Cortez, City Clerk

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

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Attachments

Reso - Calling & Giving Notice of Election

Reso - Conduct on 11-3-2020 & Consolidate

Reso - Adopting Regulations for Candidates

Reso - Resolve Tie Votes

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RESOLUTION NO. \_\_\_\_-20

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF EL CAJON, CALIFORNIA,  
CALLING AND GIVING NOTICE OF THE HOLDING OF  
A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY  
ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF  
THE OFFICE OF THREE MEMBERS OF THE CITY COUNCIL  
OF SAID CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF  
THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, Section 201 of the El Cajon City Charter provides that the Mayor and Council Members shall be elected at general municipal elections held on the first Tuesday after the first Monday of November of every even-numbered year; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a general municipal election shall be held on November 3, 2020, for the election of one (1) Member of the El Cajon City Council to come from each of City Council Districts Two, Three and Four, for full four (4) year terms to expire December 2024.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CAJON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 201 of the El Cajon City Charter and the laws of the State of California relating to general law cities within said State, there shall be, and there is hereby called and ordered held in the City of El Cajon, California, on Tuesday, November 3, 2020, a general municipal election of the qualified electors of said City for the purpose of electing one (1) Member of the El Cajon City Council to come from each of City Council Districts Two, Three and Four, each of whom shall qualify for election in accordance with Chapter 1.18 of the El Cajon Municipal Code, and shall serve for a full four (4) year term, each to expire December 2024.

SECTION 2. That the manner of voting to be used at said election shall be, both as to form and matter contained therein, such as may be required by law to be used thereat.

SECTION 3. That the City Clerk of said City is hereby authorized, instructed and directed to lawfully conduct said election.

SECTION 4. That the polls for said election shall be open at seven o'clock a.m. of the day of said election, and shall remain open continuously from said time until eight o'clock p.m. of the same day, when said polls shall be closed, except as provided in section 14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding special municipal elections in said City.

SECTION 6. That notice of the time and place of holding said election is hereby given, and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said special election in the time, form and manner as required by law.

06/09/20 CC Agenda

Reso - Election - Calling and Giving Notice of Holding Election 052020

RESOLUTION NO. \_\_-20

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS TO  
CONDUCT THE GENERAL MUNICIPAL ELECTION OF THE  
CITY OF EL CAJON ON TUESDAY, NOVEMBER 3, 2020, AND  
TO CONSOLIDATE THAT ELECTION WITH ANY  
OTHER ELECTIONS TO BE HELD ON THE SAME DAY

WHEREAS, the City of El Cajon has called a general municipal election to be held in this city on Tuesday, November 3, 2020; and

WHEREAS, section 439.1 of the Administrative Code of the County of San Diego authorizes the Registrar of Voters of the County of San Diego to render specified services relating to the conduct of an election to any city or district which has by resolution requested the Board of Supervisors to permit the Registrar to render the services, subject to requirements set forth in that section; and

WHEREAS, pursuant to Part 3 (commencing with §10400), Division 14 of the Elections Code of the State of California (the "Elections Code"), the Board of Supervisors has authority to consolidate public district, city, county, or other political subdivision elections with each other and with any statewide election to be held on the same day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON that pursuant to the above-cited provisions, the Board of Supervisors of the County of San Diego is hereby requested to permit the Registrar of Voters to perform and render all services and proceedings incidental to and connected with the conduct of the subject municipal election of the City of El Cajon, with the cooperation and assistance of the City Clerk of El Cajon, such services to include, but not be limited to the following activities as are appropriate to the subject election:

1. Furnish a tabulation of the number of registered voters in each precinct.
2. Establish voting precincts, secure locations for polling places, secure the services of election officers for each precinct as required by law, and furnish a list of precincts, polling places, and election officers for filing in the office of the City Clerk of El Cajon.
3. Prepare and furnish to the election officer's necessary election supplies for the conduct of the election.
4. Cause the requisite number of sample ballots, official ballots, polling place slips, rosters, tally sheets, and other necessary forms to be printed.
5. Furnish and address the envelopes necessary to mail sample ballots to the registered voters of the City of El Cajon.
6. Insert the sample ballots and other printed matter into envelopes for mailing, and cause the same to be mailed, as required by law.

7. Assemble the election material and supplies and make necessary arrangements for their delivery to the various precincts.
8. Distribute absent voter ballots as required by law.
9. Receive the returns of the elections and supplies.
10. Sort and assemble the election materials and supplies in preparation for the canvassing of the returns of the election.
11. Canvas the returns of the election, including the absent voters' ballots.
12. Furnish a tabulation of the number of votes given in each precinct.
13. Make all arrangements and take the necessary steps to pay the members of the precinct boards, the polling place rentals, the persons returning the ballot materials, and to pay all other costs of the election incurred as the result of services performed for the City of El Cajon and pay for the election officials the amounts prescribed by the Board of Supervisors of the County of San Diego.

BE IT FURTHER RESOLVED that the exact forms of the offices to be voted upon to appear on the ballot and to be submitted to the voters is as follows:

**One (1) Member of the City Council to come from  
each of City Council Districts Two, Three and Four  
for terms to expire in December 2024**

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of San Diego is hereby requested to consolidate this election with any other election to be held on the same day, in the same territory, or in territory that is in part the same.

BE IT FURTHER RESOLVED that if this consolidation is ordered, then pursuant to section 10411 of the Elections Code, (a) the election shall be held in all respects as if there were only one election; (b) only one form of ballot shall be used; and (c) the Registrar of Voters of the County of San Diego shall canvass the returns of the subject election as part of the canvass of the returns of the election or elections consolidated thereby.

BE IT FURTHER RESOLVED that if this consolidation is ordered, then pursuant to section 10418 of the Elections Code, recounts conducted, election contests presented, and all other proceedings incidental to, and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide election.

BE IT FURTHER RESOLVED that if this consolidation is ordered, then pursuant to section 10410 of the Elections Code, within the territories affected by the order of consolidation, the election precincts, polling places, voting booths and polling hours shall in every case be the same, and there shall be only one set of election officers in each of the precincts.

BE IT FURTHER RESOLVED that the County of San Diego shall be reimbursed in full for the services performed by the Registrar of Voters for the City of El Cajon upon presentation of a bill therefore, and that this City agrees to indemnify and save free and harmless the County, its officers, agents and employees from expense or liability, including reasonable attorneys' fees, as the result of an election contest arising after conduct of this special election, so long as the basis for any such claim arises from the conduct of the City or as a result of the reasonable reliance by County upon information provided by City.

BE IT FURTHER RESOLVED that County will hold the City, its officers, agents and employees free and harmless and will indemnify City, its officers, agents and employees from expense or liability, including reasonable attorneys' fees, as a result of County's negligence.

BE IT FURTHER RESOLVED AND ORDERED that the City Clerk of El Cajon is hereby directed to deliver forthwith certified copies of this Resolution to the Clerk of the Board of Supervisors of the County of San Diego, and to the Registrar of Voters of the County of San Diego.

06/09/20 CC Agenda

Reso - Election – Conduct on 11-3-20 & Consolidate with County 052020

RESOLUTION NO. \_\_\_\_-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON,  
CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR  
ELECTIVE OFFICE PERTAINING TO MATERIALS SUBMITTED TO THE  
ELECTORATE AND THE COSTS THEREOF FOR THE GENERAL MUNICIPAL  
ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 3, 2020

WHEREAS, section 13307 of the Elections Code of the State of California (the "Election Code") provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including the costs thereof.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CAJON,  
CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS  
FOLLOWS:

SECTION 1. GENERAL PROVISIONS: That pursuant to section 13307 of the Elections Code, each candidate for non-partisan elective office to be voted for at the General Municipal Election to be held in the City of El Cajon on November 3, 2020, may prepare a candidate's statement on an appropriate form provided by the City Clerk.

Each statement may include the name, age, and occupation of the candidate, and a brief description of not more than 200 words of the candidate's education and qualifications expressed by the candidate. Such statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations, and shall in all events comply with requirements of the Elections Code and the law. Such statement shall be filed in the Office of the City Clerk at the time the candidate's nomination papers are filed. Such statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 o'clock p.m. of the next working day after the close of the nomination period.

SECTION 2. PAYMENT: The City Clerk has estimated the total cost of printing, handling, mailing and translating into Spanish, Filipino, Vietnamese and Chinese the candidates' statements filed pursuant to the Elections Code, and requires each candidate filing a statement to pay in advance his or her pro rata share as a condition of having his or her statement included in the voter's pamphlet. These amounts, based on registered voters, are estimated to be: \$1,400.00 for District Two; \$1,450.00 for District Three; and \$1,350.00 for District Four; and are payable upon filing of nomination papers. The City Clerk shall bill each candidate for any cost in excess of the deposit, and shall refund any unused portion of any deposit.

SECTION 3. The City Clerk shall provide each candidate, or the candidate's representative, a copy of this Resolution at the time nominating petitions are issued.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution, shall enter the same in the book of original Resolutions of said City, and shall make a minute of passage and adoption thereof in the records of the proceedings of the

City Council of the City in the minutes of the meeting at which the same is passed and adopted.

06/09/20 CC Agenda

Reso - Election – Adopting Regulations for Candidates for Elective Office 052020

RESOLUTION NO. \_\_\_\_ -20

RESOLUTION ADOPTING PROCEDURE TO  
RESOLVE TIE VOTES BY LOT

WHEREAS, pursuant to section 15651 of the Elections Code of the State of California (the "Elections Code"), the City Council may adopt a procedure to resolve a tie vote by lot or by conducting a special runoff election involving only those candidates who received an equal number of votes and the highest number of votes.

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

1. Pursuant to Elections Code section 15651, if at any election, two or more persons receive an equal and the highest number of votes for an office to be voted upon in the City of El Cajon, the tie shall be resolved by lot.

2. Upon a tie vote, the City Council shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns or upon a recount by a court, to appear before Council at such time and place as may be designated by Council. **The Council shall at that time and place determine the tie by lot.**

06/09/20 CC Agenda

Reso - Election – Procedure to Resolve Tie Votes by lot 052020





City Council  
Agenda Report

Agenda Item 10.

**DATE:** June 9, 2020

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Angela Cortez, City Clerk

**SUBJECT:** Board of Supervisors Appointment to Gillespie Field Development Council

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**RECOMMENDATION:**

That the City Council ratifies the Board of Supervisors appointment of Barry Bardack to the Gillespie Field Development Council for a term to expire June 25, 2024.

**BACKGROUND:**

In accordance with the Joint Powers Agreement between the County of San Diego and the City of El Cajon, appointment of each member of the Gillespie Field Development Council shall be made by mutual agreement of both entities, and ratified by actions of both the Board of Supervisors and the City Council.

**FISCAL IMPACT:**

None

Prepared By: Angela Cortez, City Clerk

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

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Attachments

Resume - Bardack

Appointment Letter - Mr. Bardack

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To: San Diego County Supervisor Dianne Jacob  
From: Barry Bardack,  
cc: San Diego County Board of Supervisors

May 22, 2008

Dear Supervisor Jacob,

I am applying for the open position on the Gillespie Field Development Council. I believe my background and experience can be an asset to the council and the county.

I am an aviation professional with experience as a business owner and as a pilot in air charter, air commuter and flight instruction. I owned my own air Charter Company and Engineering Consulting Company. I hold commercial pilot, flight instructor, aircraft mechanic and parachute rigger FAA certifications. I have experience and an in-depth understanding of aircraft and airport operations for both small general aviation and large commercial airports.

I have been a member of the San Diego County Regional Airport Authority Airport Land Use Commission's Technical Advisory Group (ATAG) since its beginning. I have also been a member of most of the sub committees of that group and have participated in over 70 meetings since January of 2006. I have an excellent working relationship with the Airport Land Use Commission Staff. I am dedicated to the safe and profitable operation of our county airports. I have, and continue to work well with Mr. Peter Drinkwater and Mr. Roger Griffiths as a liaison between the airport management and Gillespie Pilots Association.

My management experiences are with North East Atlantic Airlines - Maintenance Superintendent, Whittaker Survival Systems - Technical Services Supervisor, Para-Tech Engineering Company - Operations Manager and my own consulting company. I am semi-retired and only work about 15 hours a week, which leaves me the time necessary to participate on the Gillespie Field Development Council. I have attended nearly all the GFDC meetings in the past four years.

My current position at Golden State Flying Club will not interfere with any duties to the Gillespie Field Development Council. My position as Chief Flight Instructor is limited to insuring that Golden State Flying Club adheres to the requirements of Federal Aviation Regulation part 141 concerning approved flight schools. I have no say or control over any of the Golden State Flying Club operations. I have no financial interest in Golden State Flying Club in any shape, manner or form. If necessary, I am prepared to resign the Chief position.

Please see the attached resume for my aviation, business and management experience.

The following people have agreed to provide references for me. I will provide you with their contact information if you need it.

Jerry Hollingsworth, current member of Gillespie Field Development Council  
Robert Parker, current member of Gillespie Field Development Council  
Cliff Leary, current member of Gillespie Field Development Council  
Phyllis Trombi, current member of Gillespie Field Development Council  
Rick Fordem, past member of Gillespie Field Development Council  
Peter Drinkwater, Director of County Airports  
Roger Griffiths, Manger of Gillespie Airport  
Angela Shafer-Payne, Vice President, San Diego County Airport Planning & Operations  
Lori Balance, San Diego County Airport Land Use Commission Staff, Legal Consultant

Thank you for your kind consideration,

Barry Bardack

**BARRY L. BARDACK**

El Cajon Ca. 92020

Citizenship: USA

PH

**Formal Education:**

1969-1970 Union College, Union N.J.

1970-1972 Newark College of Engineering, Newark N.J., B.S.M.E. (Mechanical Engineering)

1981-1981 San Diego College, San Diego Ca (Advanced Courses)

1994-1995 Miramar College, Aviation Maintenance (Advanced Courses)

FAA Ratings: Commercial: SEL, MEL & Instrument. Instructor: SEL, MEL & Instrument.  
A&P Mechanic & Senior Parachute Rigger.

**FLIGHT HOURS:**

|                                       |                           |                        |                         |
|---------------------------------------|---------------------------|------------------------|-------------------------|
| Total: 6800+                          | Total: Multi-Engine: 270+ | Total Instrument: 800+ | Actual Instrument: 500+ |
| Total PIC: 6,500+ (X-Country: 3,000+) |                           | Dual Given: 1900+      | Total Retract: 300+     |

**BUSINESS & AVIATION EXPERIENCE:**

2002 - Present: Chief Flight Instructor - Golden State Flying Club, Gillespie Field, El Cajon CA.

1994 - Present: Owner of Consultech Engineering, 916 Lemon Ave. El Cajon, CA

Consultant, specializing in mechanical design using Cadkey and Fastsurf. Services included Liaison and Material Review Board engineering, mechanical design, limited manufacturing and aircraft repair.

Consultant to a major Japanese composite company, many commercial companies and BFGoodrich Aerospace. MRB support included engineering dispositions on discrepant parts of commercial aircraft. Liaison work included solving engineering & manufacturing problems. Performed aircraft repair and major engine overhauls on general aviation aircraft. I have had engineering authorization from General Dynamics Convair Division, Rohr Inc., Boeing Commercial & Military, Rolls Royce, Douglas Aircraft Co. and BFGoodrich Aerospace Aerostructures Group.

1976-1978 Owner of Air Charter Business: Single Engine Land VFR and IFR, Day and Night operations.

I had one of the very few single engine IFR 135 operations in the Northeast. Obtaining FAA authorization for this type of operation is very difficult. Owning & operating my own business gave me the experience necessary to understand business management, operations and finances. Much of my actual instrument time has been acquired in the Northeast, Southeast and Northwest. My actual instrument experience allows me to pass on to my students a deeper insight and ability to resolve IFR problems than typical southern California instructors. My experience with both general aviation and commercial airports give me a more comprehensive understanding of airport operations and development.

1975-1977 North East Atlantic Airlines: Maintenance Superintendent and Command Pilot of Commuter and Charter Company. Maintenance Superintendent duties consisted of scheduling maintenance inspections and reviewing maintenance operations and controlling maintenance costs. Pilot in Command consisted of flying scheduled flights between Westfield Ma, Hartford Ct, and La Guardia NY and on demand charter flights.



# County of San Diego

**ANDREW POTTER, CCB**  
EXECUTIVE OFFICER/CLERK

CLERK OF THE BOARD OF SUPERVISORS  
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2471  
PHONE (619) 531-5600 FAX (619) 338-8159  
[www.sandiegocob.com](http://www.sandiegocob.com)

**ERIN DEMOREST**  
ASSISTANT CLERK OF THE BOARD

April 27, 2020

Barry Bardack  
916 Lemon Ave.  
El Cajon, CA 92020

Dear Barry Bardack:

On April 21, 2020 (18), the Board of Supervisors re-appointed you as a member of the **GILLESPIE FIELD DEVELOPMENT COUNCIL, Seat No. 1**, for a term to begin June 26, 2020 and to expire June 25, 2024.

Enclosed is the following:

- Certificate of appointment.

If you have any questions regarding this re-appointment, please contact us at (619) 531-5600.

Sincerely,

Erin Demorest  
Assistant Clerk of the Board of Supervisors

ED:sl  
Enclosure (1)

cc: Supervisor, Dianne Jacob, A-500  
Lorie Maniss, Gillespie Field, S-119



**City Council  
Agenda Report**

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Frank Carson, Director of Parks & Recreation  
**SUBJECT:** Shared Streets Pilot Program SANDAG Grant

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**RECOMMENDATION:**

That the City Council accepts, appropriates, and expends \$8,636 from SANDAG for the Shared Streets Pilot Program Grant.

**BACKGROUND:**

SANDAG has awarded the City of El Cajon \$8,636 for a Shared Streets Pilot Program Grant. This is a short-term grant ending June 30, 2020. The application submitted included the expansion of Renette Park that extended into the street parking along the Renette Park side of the streets of Estes and Renette Ave for extended safe bicycling, jogging and walking paths. There will be no street closures during this time period. Only street parking will be closed along the park side of the streets through June 30, 2020. The original request for funding was \$5,000, but SANDAG increased the award amount to \$8,636.

**FISCAL IMPACT:**

Grant funding in the amount of \$8,636 will be deposited in the Recreation Special Revenue Fund account (240000) and expenditures will be taken from that same account. The grant funding pays for all program costs.

Prepared By: Frank Carson, Director of Parks & Recreation

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

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**Attachments**

SANDAG Shared Street Pilot Grant Application

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**Pilot Project Summary****A. Project Title**

Shared Streets El Cajon

**B. Project Applicant***Provide the name and address of the jurisdiction*Jurisdiction: City of El CajonAddress: 200 Civic Center Way, El Cajon, CA 92020**Primary Contact**Name: Fa'amalo Lutu Title: Recreation Services SupervisorMailing Address: 200 Civic Center Way, El Cajon, CA 92020Phone: 619-441-1555Email: flutu@cityofelcajon.usRole on the Project: Co-Lead**Secondary Contact**Name: Shannon Bullock Title: Recreation Services ManagerMailing Address: 200 Civic Center Way, El Cajon, CA 92020Phone: 619-873-1641Email: sbullock@cityofelcajon.usRole on the Project: Co-Lead

**C. Project Description**

*Describe the project scope, date, and location to be funded by the Shared Streets Pilot Program*

**Project Scope**

*How will the project advance health and safety by creating safe space for social distancing while biking, walking, running, and scooting? What partner organizations may support the project? How will this project be communicated to the public? How will your organization monitor the success of the project?*

The City of El Cajon Parks & Recreation Department will widen the walkway around Renette Park (935 S. Emerald Ave) by installing temporary barriers and no parking signage along Emerald Avenue, Renette Avenue and Estes street. This will allow our community members the ability to practice safe physical distancing while biking, walking, running or scooting around Renette Park. Our project will be installed no later than June 30, 2020 and removed on July 31, 2020. Widening the walkway around the footprint of Renette Park by placing barriers and signage that does not allow curbside parking on the East side of Emerald Avenue (from the corner of Renette Avenue to Kidd Way), South side of Renette Avenue (from Emerald Avenue to Estes st) and the West side of Estes Street (from the corner of Renette Avenue to our playground only) will allow our community members greater access to our park by allowing them enough space to physically distance themselves while moving around the park.

The City of El Cajon Parks & Recreation Department will create new "Shared Streets" signage to be placed around Renette Park. Our department will create a video campaign on our social media outlets (Facebook, Instagram, and YouTube) to promote the Shared Streets Pilot Program. Additionally we will generate a "Shared Streets Geo-filter" to be used by our community members on social media. We will produce a press release informing our community members about the Shared Streets Pilot Program. The Shared Streets Pilot Program will also be featured on our City of El Cajon website.

The Renette staff will do hourly park counts of community members that are using the park. This general practice of hourly park counts will give us the ability to track the increase in park use by community members over previous months. We will also create an on-line survey that will be on the City of El Cajon's website to gather community feedback on the Shared Streets Pilot Program. Additionally we will have signage posted around the park with a survey link or QR Code encouraging community feedback. El Cajon is a young community as 52 percent of our population is younger than 35, suggesting a large number of young families and young adults. Twenty-three percent of the residents live below the poverty line. This income may suggest a lack of discretionary income to spend on traveling to parks outside of walking/biking distance. Increasing the walk-ability of Renette Park by widening walkways will allow community members adequate space to practice safe physically distancing while exercising in their community.

**Anticipated Project Start Date:** June 30, 2020

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**Proposed Locations**

*Include street name(s) and to/from extent(s), if known. Please attach a second page of locations, if needed.*

Widening the walkway around the footprint of Renette Park by not allowing curbside parking on the East side of Emerald Avenue (from the corner of Renette Avenue to Kidd Way), South side of Renette Avenue (from Emerald Avenue to Estes st) and the West side of Estes (from the corner of Renette Avenue to our playground only)



**D. Project Budget Estimate**

Provide a clear description of how funding will be used. Outline or attach any quotes obtained for products or services. Please also separately describe how supplemental program funding, if available, would be used to support the project.

Funding will be used to purchase K-rail barriers to be temporarily installed around Renette Park. Funding will also be used to purchase new banners, signs, promotional materials and purchase a Geo-filter to promote Shared Streets Pilot Program. The remaining funding will be used to cover staff cost for installation and removal of temporary barriers and signage. As well as the creation of social media content and promotional campaign of the Shared Streets Program.

Identify anticipated project expenditures below. Please attach a second page of expenses, if needed.

| Expense                           | Qty | Unit Cost | Description                                  | Estimated Amount |
|-----------------------------------|-----|-----------|--|------------------|
| 1. Purchasing of K-Rails          | 6   | \$ 400.00 | Temporary barriers                           | \$ 2,400.00      |
| 2. Purchasing of Geo-filter       | 1   | \$ 120.00 | Promotional use                              | \$ 120.00        |
| 3. Purchasing banners/signs/promo | 10  | \$ 70.00  | Promotional use                              | \$ 700.00        |
| 4. Staff Cost                     | 89  | \$ 20.00  | Installation/removal of barriers and signage | \$ 1,780.00      |
| 5.                                |     | \$        |  | \$ 0.00          |
| 6.                                |     | \$        |  | \$ 0.00          |
| 7.                                |     | \$        |  | \$ 0.00          |
| 8.                                |     | \$        |  | \$ 0.00          |
| 9.                                |     | \$        |  | \$ 0.00          |
| 10.                               |     | \$        |  | \$ 0.00          |
| 11.                               |     | \$        |  | \$ 0.00          |
| 12.                               |     | \$        |  | \$ 0.00          |
| 13.                               |     | \$        |  | \$ 0.00          |
| 14.                               |     | \$        |  | \$ 0.00          |
| 15.                               |     | \$        |  | \$ 0.00          |





City Council  
Agenda Report

DATE: June 9, 2020  
 TO: Honorable Mayor and City Councilmembers  
 FROM: Graham Mitchell, City Manager & Clay Schoen, Finance Director  
 SUBJECT: FY 2020/2021 General Fund Budget Discussion

RECOMMENDATION:

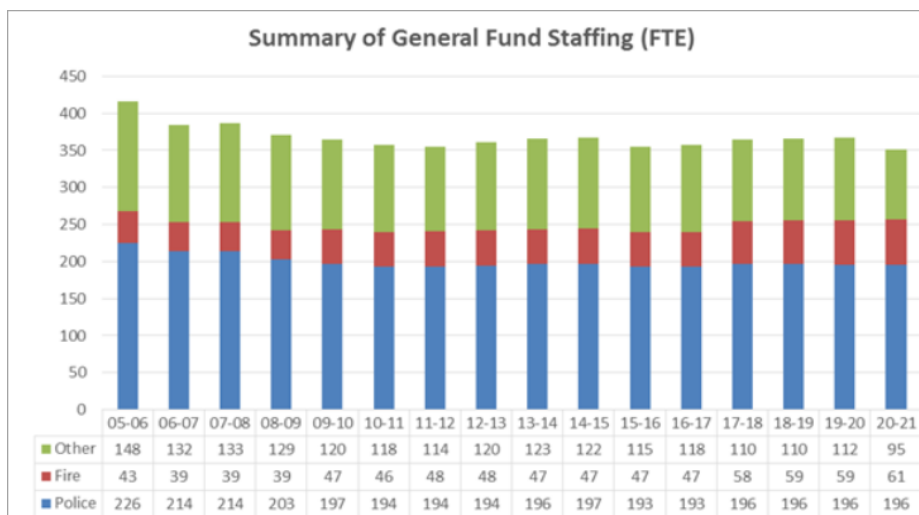
That the City Council considers updated information related to the City of El Cajon's Fiscal Year 2020/2021 budget and provides feedback to City staff on various proposals.

BACKGROUND:

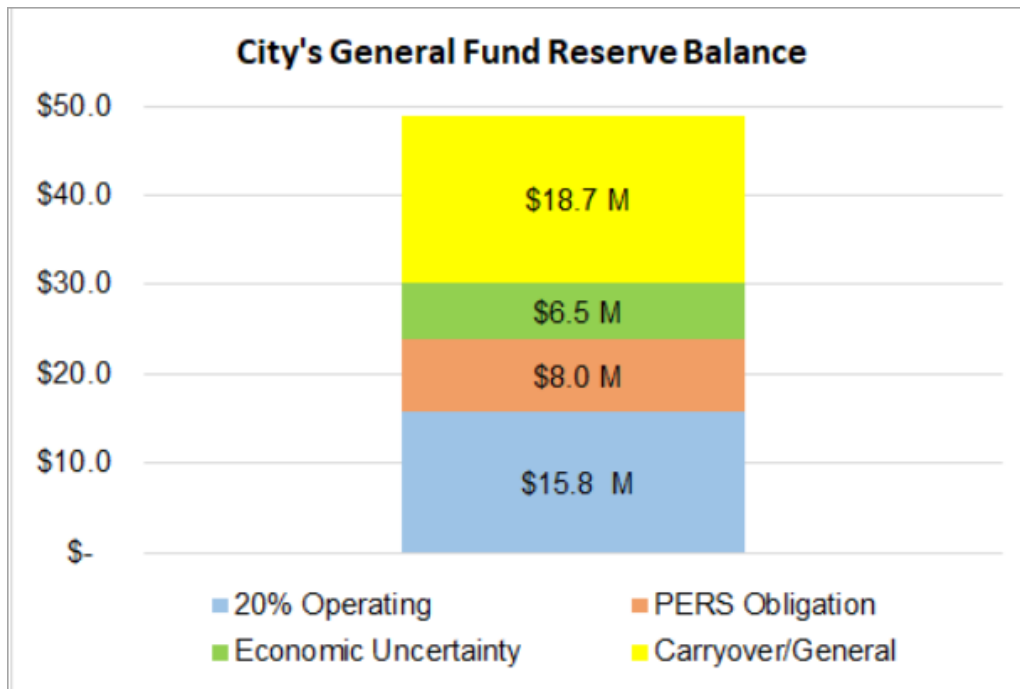
At the May 26, 2020 City Council meeting, staff presented a revised 5-year financial outlook based on the economic impacts of the COVID-19 pandemic. At that meeting, staff indicated that over the next few City Council meetings, budget information would be presented in preparation for the FY 2020-21 budget. This agenda item addresses the following topics:

1. FY 2019/20 Budget Projections
2. FY 2020/21 General Fund Revenue Forecast
3. FY 2020/21 General Fund Expenditures
4. Further FY 2020/21 Budget Balancing Measures

Prior to addressing these topics, staff provides two contextual graphs on themes briefly addressed at the May 26th City Council meeting. First, the graph below shows General Fund staffing levels over a 15-year period, with staff broken down by police, fire, and other. As shown in the graph, over this time, General Fund staffing has decreased from 417 to a proposed 352 (an almost 16 percent reduction). Non-public safety staff has decreased by nearly 36 percent. Further cuts in staffing levels will result in adverse impacts on service delivery.



The second graph illustrates the City's General Fund reserve. The reserves are made up of different pots of monies for specific issues. This graph shows that of the \$49 million in reserves, \$6.5 million has been designated for economic uncertainty and \$18.7 million is general carryover funds from previous years.



**FY 2019/20 Budget & Projections**

When adopted in June 2019, the FY 2019/20 budget anticipated annual General Fund revenues to total approximately \$77.2 million. Using the most current information, staff believes that the year will end with \$75.0 million in General Fund revenue—approximately \$2.2 million less than anticipated. The majority of that shortfall is due to a decline in sales tax revenue as a result of COVID-19 impacts on the economy. The table below shows major General Fund revenue as adopted in the FY 2019/20 budget and what is now being forecasted:

| General Fund Revenue Source | FY 2019/20 Budget    | FY 2019/20 Projection | Change                |
|-----------------------------|----------------------|-----------------------|-----------------------|
| Sales Tax (combined)        | \$ 38,733,200        | \$ 35,164,940         | \$ (3,568,60)         |
| Property Tax (combined)     | 20,128,747           | 20,748,067            | 619,320               |
| Franchise Fee               | 5,371,717            | 5,841,267             | 469,550               |
| Transient Occupancy Tax     | 2,148,547            | 1,715,763             | (432,784)             |
| Licenses/Permits            | 1,482,200            | 1,533,000             | 50,800                |
| Intergovernmental           | 938,600              | 1,037,603             | 99,003                |
| Charges for Services        | 2,997,517            | 3,060,912             | 63,395                |
| <b>TOTAL</b>                | <b>\$ 77,209,960</b> | <b>\$ 75,028,150</b>  | <b>\$ (2,181,810)</b> |

The table above does not reflect CARES Act or FEMA reimbursement for COVID-19 expenditures. Staff estimates that up to \$500,000 could be received in reimbursement for City-related expenses to address the pandemic; however, those funds could be delayed for up to a year or more.

As the impacts of COVID-19 became evident, the City began curtailing expenditures by halting hiring of certain positions and cutting back expenditures. These cutbacks have resulted in over \$600,000 in savings. The table below shows each department's General Fund budget and projected expenditure by the end of the fiscal year:

| <b>General Fund<br/>Department Expenditures</b> | <b>FY 2019/20 Budget</b> | <b>FY 2019/20 Projection</b> | <b>Change</b>       |
|---|--------------------------|------------------------------|---------------------|
| Mayor/City Council                              | \$ 461,733               | \$ 473,998                   | \$ 12,265           |
| City Manager                                    | 1,542,159                | 1,505,073                    | (37,086)            |
| City Attorney                                   | 857,646                  | 679,694                      | (177,952)           |
| City Clerk/Elections                            | 509,590                  | 509,632                      | 42                  |
| Community Services & Events                     | 257,450                  | 239,340                      | (18,110)            |
| Community Development                           | 3,275,214                | 3,136,388                    | (138,826)           |
| Finance   | 2,064,681                | 2,199,643                    | 134,962             |
| Fire  | 16,831,076               | 16,677,399                   | (153,677)           |
| Human Resources                                 | 933,516                  | 825,425                      | (108,091)           |
| Police  | 37,304,619               | 38,012,763                   | 708,144             |
| Public Works                                    | 9,701,729                | 9,291,804                    | (409,925)           |
| Recreation                                      | 3,154,248                | 3,011,058                    | (143,190)           |
| Other   | 1,999,613                | 1,724,613                    | (275,000)           |
| <b>TOTAL</b>                                    | <b>\$ 78,893,274</b>     | <b>\$ 78,286,830</b>         | <b>\$ (606,444)</b> |

### ***FY 2020/21 General Fund Revenue Forecast***

Using various forecasting tools, staff believes that the City will experience a decline in General Fund revenue of approximately \$971,336 from FY 2019/20 projected revenues. Again, this is primarily due to a decline in sales tax revenue as a result of State and County "stay-at-home" orders' impacts on consumer spending. The table below shows General Fund revenue, comparing projected FY 2019/20 revenue with forecasted FY 2020/21 revenue:

| <b>General Fund Revenue Source</b> | <b>FY 2019/20 Projection</b> | <b>FY 2020/21 Forecast</b> | <b>Change</b>       |
|------------------------------------|------------------------------|----------------------------|---------------------|
| Sales Tax (combined)               | \$ 35,164,940                | \$ 32,735,587              | \$ 2,429,353        |
| Property Tax (combined)            | 20,748,067                   | 21,638,712                 | 890,645             |
| Franchise Fee                      | 5,841,267                    | 6,335,994                  | 494,727             |
| Transient Occupancy Tax            | 1,715,763                    | 1,841,733                  | 125,970             |
| Licenses/Permits                   | 1,533,000                    | 1,460,200                  | (72,800)            |
| Intergovernmental                  | 1,037,603                    | 982,100                    | (55,503)            |
| Charges for Services               | 3,060,912                    | 2,762,966                  | (297,946)           |
| Fines/Forfeitures                  | 610,200                      | 593,000                    | (17,200)            |
| Other                              | 5,316,398                    | 5,706,522                  | 390,124             |
| <b>TOTAL</b>                       | <b>\$ 75,028,15</b>          | <b>\$ 74,056,814</b>       | <b>\$ (971,336)</b> |

### ***FY 2020/21 General Fund Expenditures***

At the beginning of the budget preparation process, staff anticipated General Fund expenditures of approximately \$82.5 million for FY 2020/21. In an effort to close the budget gap of \$8.4 million (\$82.5 million in expenditures and \$74.1 million in revenue), staff incorporated the following measures as part of the spending plan it will recommend on June 23rd for City Council consideration:

- Keeping approximately 38 positions vacant (this is about 11 percent of General Fund positions),
- Purchasing no new vehicles,
- Scaling back community events and cancelling the 2021 America on Main Street,
- Offering no cost of living adjustment to executive staff,
- Using the Information Technologies reserve fund for one-time purchases,
- Contracting out landscape services,
- Suspending the apartment inspection program,
- Reducing one position in Community Development through a layoff which has already occurred, and
- Reducing purchases of supplies, materials, and services.

These measures result in General Funds savings of approximately \$4.2 million, reducing, but not eliminating, the budget gap.

### ***Further FY 2020/21 Budget Options***

Applying the budget savings measures identified above, staff believes a budget shortfall of \$3.5 million still exists. Staff recommends considering several of the following measures to close the gap and seeks City Council feedback:

***Revenue Opportunities:*** staff believes that there are several revenue opportunities that exist, such as constructing and leasing billboard space along I-8 on City-owned property, leasing a portion of the Public Works Yard, and leasing additional space at City Hall. In a best case scenario, this would yield up to \$500,000 in FY 2020/21, in part because of the lead time to implement these opportunities. To expedite these projects, staff recommends that the City Council re-consider a proposal that would exempt the City from certain zoning requirements as long as there is opportunity for public input on a project and/or agreement.

***Employee Concessions:*** the City is concluding the first of a multi-year agreement with each of its five labor groups. Staff has been discussing options with the labor group, such as foregoing a cost of living adjustment or stipends. Implementing these changes could yield up to approximately \$700,000 in savings. Implementing this plan would require negotiating amendments to the labor agreement.

***Voluntary Furlough Program:*** the City currently offers a voluntary furlough program to its employees. In an effort to save up to \$200,000, staff recommends expanding the number of hours an employee can take as voluntary furlough and accommodating those requests. Staff believes that this could have a somewhat negative impact on service delivery.

***Fire Staff Reduction:*** the City currently operates with four fire engine companies, a squad, and a ladder truck. In an effort to reduce up to \$425,000 in expenses next year, the City could consider reducing the fire protection compliment of an engine, the squad, or the truck on an average of once every three days. This would be accomplished by not filling vacant positions or leaving daily positions open by not backfilling vacations, sick leave, or injuries.

***Early Retirement Program:*** as a way to provide staffing flexibility and to reduce costs, staff recommends implementing an Early Retirement Program to incentivize eligible employees to retire before they had planned to retire. Staff believes that this program could save between \$125,000 and \$200,000, depending on the levels of participation.

***Further Cut Training and Travel:*** the current budget reduced training and travel. The City Council could consider further cuts in this budget line item by eliminating virtually all non-reimbursable training and travel, including any League of California City conferences and events. This could save up to \$120,000 in FY 2020/21.

***Crime Free Multi-Housing Program:*** the City has operated the Crime Free Multi-Housing Program for more than twenty years. This program is funded with General Fund monies and CDBG funds. Eliminating the program would save approximately \$50,000 in General Fund expenditures.

*Fee for 911 Call Abuse:* last year, the Fire Department responded to 1,216 calls to ten convalescent or post-acute care facilities. Several of these facilities have call volumes that far exceed average and use the 911 system for non-emergency calls. Staff believes that the City could recover between \$50,000 and \$60,000 in expenses from responding to non-emergency calls. Staff recommends this program because ongoing, unabated abuse of the 911 system is unfair to the other taxpayers.

*Use of Reserve Funds:* the City Council could consider using a portion of its reserve funds to close the budget gap, in combination with several of the items listed in this section. Staff recommends that the City Council should not consider using more than \$3 million in reserves in the event the economic impacts of the COVID-19 pandemic result in a significant economic recession.

***Conclusion***

Staff has presented FY 2019/20 General Fund budget updates along with revenue and expenditure projections for the General Fund's FY 2020/21 budget. As indicated in the report, staff has been able to reduce the budget shortfall to approximately \$3.5 million. The staff report includes various policy options to close the budget gap. Staff seeks City Council direction on measures it wishes to take. Staff will work to include those in the budget to be presented to the City Council on June 23rd.

Prepared By: Graham Mitchell, City Manager & Clay Schoen, Finance Director

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

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City Council  
Agenda Report

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Vince DiMaggio, Assistant City Manager  
**SUBJECT:** Coronavirus Relief Fund Subgrant with County of San Diego

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**RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, authorizing approval of the Coronavirus Relief Fund Subgrant Agreement between the City and the County of San Diego, authorizing the City Manager to execute said agreement, and providing feedback regarding the recommendation allocation of CARES funds.

**BACKGROUND:**

On May 19, 2020, the County Board of Supervisors approved the allocation of CARES funds to the incorporated cities within the County. El Cajon is allocated \$1,840,467 to be used for a variety of prescribed activities. Funds can be used for reimbursing the City for COVID-19 related expenditures such as:

- City costs associated with its public health response efforts,
- Expenses for food delivery programs, and
- Expenses associated with providing economic support, such as grants to small businesses.

All funds must be spent by September 30, 2020. If the City wishes to receive these funds, the City must enter into an agreement with the County (attached). Staff recommends that the City Council authorize entering into the agreement by adopting the resolution (attached)

There are some COVID-19 related expenditures that may be reimbursed through FEMA or Cal-OES, such as personal protective equipment (PPE) and general janitorial supplies. However, the specific categories of reimbursable expenses have yet to be released. There are some expenses that staff recommends be reimbursed through the County CARES funds. These expenses include:

- Law enforcement activities directly related to COVID-1
- Telework/telecommuting enhancements, Improvements to customer service areas of city hall to ensure proper social distancing, and
- Food Distribution Program.

Staff estimates the cost for these items to be approximately \$375,000.

Staff also recommends that the City allocate an additional \$100,000 for a second round of the Food Distribution Program and that those funds be distributed to the same local organizations that received the City-funded food support and distribution funds released last month. Additionally, \$200,000 would be held in a program reserve to support any of the above programs that exceeded the estimated costs.

Lastly, staff recommends that the remainder of the funds (approximately \$1.165 million) be allocated for a small business grant program. Staff will work with the East County Chamber of Commerce to develop the final parameters of the program to recommend to the City Council for approval. Staff believes that funds from this program should assist businesses that have not received any other financial assistance from federal or County programs and are not a franchise, subsidiary, or affiliate of a nationwide commercial brand. These basic parameters will ensure that funding is directed to small, locally owned businesses that are otherwise unable to tap into financial support from other sources or parent companies. Staff seeks additional program guideline ideas from the City Council.

Prepared By: Vince DiMaggio, Assistant City Manager

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

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#### Attachments

Resolution

Letter from SD re Coronavirus

Relief Fund Sub Grant

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RESOLUTION NO. \_\_\_\_ -20

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL CAJON APPROVING THE  
CORONAVIRUS RELIEF FUND SUBGRANT AGREEMENT  
BETWEEN THE CITY OF EL CAJON AND THE COUNTY OF SAN DIEGO

WHEREAS, on May 19, 2020, the County Board of Supervisors approved the allocation of Coronavirus Aid, Relief and Economic Security ("CARES") funds to the incorporated cities within the County of San Diego (the "County"); and

WHEREAS, the City of El Cajon (the "City") has been allocated \$1,840,467 in funds to be used for a variety of prescribed activities, including reimbursing the City for COVID-19 related expenditures such as (1) City costs associated with its public health response efforts; (2) expenses for food delivery programs; and (3) expenses associated with providing economic support, such as grants to small businesses; and

WHEREAS, the City must enter into a County of San Diego Coronavirus Relief Fund Subgrant (the "Agreement") in order to receive said funds, which must be expended by September 30, 2020, and staff recommends that the City Council authorize entering into the Agreement; and

WHEREAS, some COVID-19 related expenditures can be reimbursed through FEMA or Cal-EMS, such as personal protective equipment ("PPE") and general janitorial supplies; however, the specific categories of reimbursable expenses have yet to be released; and

WHEREAS, it is estimated that approximately \$375,000 of the County CARES funds could be used to reimburse the City for such COVID-19 related expenditures as: (1) law enforcement activities directly related to COVID-19; (2) telework/telecommuting enhancements; (3) economic support activities; (4) improvements to customer service areas of city hall to ensure proper social distancing; and (5) the City's Food Distribution Program (the "Reimbursed Expenses"); and

WHEREAS, it has been recommended that the City allocate an additional \$100,000 of the County CARES funds for a second round of the City's food distribution program (the "Food Distribution Program" and together with the Reimbursed Expenses, the "Programs"), and that those funds be distributed to the same local organizations that received the City-funded food support and distribution funds released in May 2020; and

WHEREAS, it has been further recommended that \$200,000 should be held in a program reserve to support any of the Programs that exceed the estimated costs between now and September 30, 2020; and

WHEREAS, staff further recommends that any amount of the County CARES funds (approximately \$1.165 million) be allocated for a small business grant program to assist businesses that have not received any other financial assistance from federal or County programs and are not a franchise, subsidiary, or affiliate of a nationwide

commercial brand (the "Small Business Assistance"), based on conditions to be approved by the City Council, with the intent that funding is directed to small, locally owned businesses that are otherwise unable to obtain financial support from other sources or parent companies.

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 County of San Diego Coronavirus Relief Fund Subgrant Agreement, substantially in the form as presented at this meeting, and any such amendments to the Agreement as may be necessary, with such changes as may be approved by the City Manager.
3. The City Manager, or such person as is designated by the City Manager, is hereby authorized and directed to execute the Agreement on behalf of the City of El Cajon, and such other documents necessary, with such changes or amendments as maybe approved by the City Manager, on behalf of the City of El Cajon.

06/09/20 CC Agenda

Reso - Approve Coronavirus Relief Fund Subgrant Agmt 060320



# County of San Diego

**TRACY M. SANDOVAL**  
DEPUTY CHIEF ADMINISTRATIVE OFFICER /  
CHIEF FINANCIAL OFFICER  
(619) 531-5413  
FAX: (619) 531-5219

FINANCE & GENERAL GOVERNMENT GROUP  
1600 PACIFIC HIGHWAY, SUITE 166, SAN DIEGO, CA 92101-2422

May 20, 2020

Mr. Graham Mitchell  
City Manager  
City of El Cajon  
200 Civic Center Way  
El Cajon, CA 92020

Dear Graham,

Thank you for your partnership and leadership during this COVID-19 pandemic. The regional collaboration has been critical to keeping our community safe and healthy, and we greatly appreciate the efforts you have taken to support this effort. To that end, on May 19, 2020 (Items #14/28) the County Board of Supervisors voted to allocate a total of \$25 million of Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Fund (CRF) to the 17 cities that did not receive a direct allocation from the federal government.

Attached to this letter is a sub-grant agreement to be completed by your City in order to receive the funds. The funds have been determined based on population as directed by the Board of Supervisors. Your allocation is \$1,840,467. In addition, expenditures must comply with the CARES Act CRF criteria, which require, among other things, that the expenditures be necessary due to the public health emergency with respect to COVID-19. These may include Law Enforcement for COVID-19, Economic Support initiatives, Telework Enhancements/Infrastructure, Sanitation Compliance, or Facility Enhancements for Social Distancing. These funds may not be used to backfill lost revenues.

**Process for Distribution of Funds:**

- o Prior to distribution, the City must submit a plan that illustrates how you will spend the allocation before the funds are released; and also submit a mid-term plan, no later than July 31, 2020, on the status of spending.
- o Once the City has received the funds, the City must submit documentation to support all expenditures. All funds shall be expended or returned to the County, as well as all documentation submitted, by September 30, 2020.
- o City will be financially responsible for any disallowed costs. Should the City receive future federal stimulus funds (non-CARES Act funding), all funds allocated to the City by the County shall be returned.

Thank you again for your partnership and commitment during these unprecedented times. All documentation and questions can be submitted to Ebony Shelton at [Ebony.Shelton@sdcounty.ca.gov](mailto:Ebony.Shelton@sdcounty.ca.gov).

Sincerely,

TRACY M. SANDOVAL  
Deputy Chief Administrative Officer/Chief Financial Officer

CS:ld

Attachment

ASSESSOR/RECORDER/COUNTY CLERK  
AUDITOR & CONTROLLER  
CHIEF ADMINISTRATIVE OFFICE  
CIVIL SERVICE COMMISSION  
CLERK OF THE BOARD

COUNTY COMMUNICATIONS OFFICE  
COUNTY COUNSEL  
COUNTY TECHNOLOGY OFFICE  
DEPARTMENT OF GENERAL SERVICES  
DEPARTMENT OF PURCHASING & CONTRACTING

GRAND JURY  
HUMAN RESOURCES  
REGISTRAR OF VOTERS  
RETIREMENT ASSOCIATION  
TREASURER/TAX COLLECTOR

COUNTY OF SAN DIEGO  
CORONAVIRUS RELIEF FUND  
SUBGRANT

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This subgrant agreement (“Agreement”) is entered into between the County of San Diego, a political subdivision of the State of California (“County”) and City of El Cajon, (“Grantee”) effective as of May 19, 2020.

WHEREAS, the County has received an allocation from the Coronavirus Relief Fund (“CRF”) established under Title V, Section 5001 of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act;

WHEREAS, CRF funding may only be used to cover costs that:

- (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) were not accounted for in the budget most recently approved as of March 27, 2020; and
- (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

such costs to be referred to herein as “Eligible Expenditures;”

WHEREAS, the County may allocate CRF funding to cities as long as cities spend the funding in accordance with the CARES Act and only for Eligible Expenditures;

WHEREAS, the County finds it necessary to provide financial assistance to cities within the County’s geographical boundaries due to the public health emergency with respect to COVID-19 and that such assistance is an eligible expense under the CARES Act;

WHEREAS, on May 19, 2020, the Board of Supervisors allocated funding for the purposes set forth in this Agreement and authorized the execution of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and Grantee agree as follows:

1. Amount of Grant. The County shall pay to Grantee an amount of \$1,840,467 in accordance with the terms of this Agreement.
2. Purpose of Grant. Grantee shall use the funds solely for Eligible Expenses and in accordance with the terms set forth in this Agreement.
3. Deadline for Use of Grant Funds. Grantee shall have until September 30, 2020 to expend funds under this Agreement and/or return any unexpended funds to County.
4. Reports and Documentation of Expenditures.
  - (a) Prior to County’s disbursement of funds under this Agreement, Grantee shall deliver to County a report detailing Grantee’s anticipated use of the funds.

COUNTY OF SAN DIEGO  
CORONAVIRUS RELIEF FUND  
SUBGRANT

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- (b) On July 31, 2020, Grantee shall deliver to County a report detailing Grantee's expenditure of funds to date and Grantee's anticipated use of any remaining funds.
- (c) County reserves the right to withhold or reduce funding under this Agreement if County determines, in its sole discretion, that any or all of Grantee's anticipated use of funds is ineligible for CRF funding.
- (d) On September 30, 2020, or on the effective date of termination of this Agreement if terminated earlier, Grantee shall deliver to County a report along with supporting documentation detailing Grantee's expenditure of funds to date and Grantee shall deliver to County all unexpended funds.
5. Disallowance. If County determines that any amount of Grantee's expenditures under this Agreement lacks the required documentation or is ineligible for CRF funding, Grantee shall refund such amount to the County within fifteen (15) days of County's written request.
6. Subsequent Funding. Notwithstanding anything to the contrary contained herein, if Grantee is awarded direct federal funding to address COVID-19-related impacts, Grantee shall refund to County within ten (10) days of Grantee's receipt of such federal funding the lesser of (a) the funds paid to Grantee under this Agreement and (b) the federal funds awarded to Grantee.
7. Compliance with Laws. Grantee shall comply with all applicable federal, State, and local laws, ordinances, and regulations, including, without limitation, requirements regarding the use grant funds under the CARES Act that are in effect as of the effective date of this Agreement and that may later be enacted or promulgated. Without limiting the foregoing, Grantee shall comply with all applicable federal requirements set forth in Exhibit A, Federal Requirements, attached hereto.
8. Agreement Administration. The individuals listed below shall administer this Agreement on behalf of the County and Grantee. All communications between Grantee and the County shall be sent to the individuals listed below.

| <b>County of San Diego</b>   | <b>City of El Cajon</b>   |
|--|---|
| Ebony Shelton<br>Director, Office of Financial Planning<br>1600 Pacific Highway, Room 352, San Diego, CA 92101<br>(619) 531-5177<br><a href="mailto:ebony.shelton@sdcounty.ca.gov">ebony.shelton@sdcounty.ca.gov</a> | Graham Mitchell<br>City Manager<br>200 Civic Center Way, El Cajon, CA 92020<br>(619) 441-1716<br><a href="mailto:citymanager@cityofelcajon.us">citymanager@cityofelcajon.us</a> |

9. Audit and Inspection of Records. At any time during normal business hours, the Grantee shall make available to the County for examination all of its records with respect to all matters covered by this Agreement and will permit the County to audit, examine and make excerpts or transcripts from such records, and make audits of all invoices, materials, payrolls, records of personnel and other data relating to all matters covered by this Agreement. Unless otherwise specified by the County, said records shall be made available for examination

COUNTY OF SAN DIEGO  
CORONAVIRUS RELIEF FUND  
SUBGRANT

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within San Diego County. Grantee shall maintain such records in an accessible location and condition for a period of not less than four years following Grantee's submission of the final report required to be submitted under this Agreement unless County agrees in writing to an earlier disposition. The State of California and any federal agency having an interest in the subject of this Agreement shall have the same rights conferred upon County by this Agreement.

10. Termination of Agreement.

(a) Termination for Convenience.

The County may, by written notice to Grantee stating the extent and effective date, terminate this Agreement for convenience in whole or in part, at any time. Within five (5) days of such termination, Grantee shall return to County any unexpended funds paid to it under this Agreement.

(b) Termination for Default.

If Grantee fails to perform its obligations under this Agreement, the County may send Grantee a written notice of default that specifies the nature of the default. Grantee shall cure the default within five (5) business days following receipt of the notice of default, or within such additional time to which County may agree. If Grantee fails to cure the default within that time, the County may terminate this Agreement by giving Grantee written notice of immediate termination. The County may also seek any and all legal and equitable remedies against Grantee for breaching this Agreement.

11. Independent Capacity. In the performance of this Agreement, Grantee and its officers, agents, employees and volunteers shall act in an independent capacity and not as officers, employees, agents or volunteers of the County. This Agreement does not create an employment relationship between Grantee and the County.

12. Defense and Indemnity. To the fullest extent permitted by law, County shall not be liable for, and Grantee shall defend and indemnify County and its officers, agents, employees and volunteers (collectively, "County Parties") against any and all claims, deductibles, self-insured retention's, demands, liability, judgments, awards, fines, mechanics' liens or other liens, labor disputes, losses, damages, expenses, charges or costs of any kind or character, including attorneys' fees and court costs (collectively, "Claims"), which arise out of or are in any way connected to County's provision of grant funds and/or Grantee's use of grant funds under this Agreement arising either directly or indirectly from any act, error, omission or negligence of Grantee or its officers, employees, volunteers, agents, contractors, licensees or servants, including without limitation, Claims caused by the sole passive negligent act or the concurrent negligent act, error or omission, whether active or passive, of County Parties. Grantee shall have no obligation, however, to defend or indemnify County Parties from a Claim if it is determined by a court of competent jurisdiction that such Claim was caused by the sole active negligent act or willful misconduct of County Parties.

COUNTY OF SAN DIEGO  
CORONAVIRUS RELIEF FUND  
SUBGRANT

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For avoidance of doubt, and without limitation, the defense and indemnity obligations set forth in this Paragraph 12 shall specifically apply to any actions against the County by a federal agency to disallow funds or otherwise enforce compliance under the CARES Act or other federal requirements.

13. Governing Law. This Agreement shall be construed and interpreted according to the laws of the State of California.
14. Assignment. Grantee may not assign or transfer any interest in this Agreement (whether by assignment or novation), without the prior written consent of the County.
15. Entire Agreement. This Agreement constitutes the entire agreement between Grantee and County regarding the subject matter contained herein. All other representations, oral or written, are superseded by this Agreement. Neither party is relying on any representation outside of this Agreement. This Agreement may be changed only by written amendment signed by County and Grantee.
16. Waiver. The failure of one party to enforce any term, covenant or condition of this Agreement shall not be construed as a waiver of that party's right to subsequently enforce this, or any other term, covenant or condition of this Agreement. No waiver shall be deemed effective unless the waiver is expressly stated in writing and signed by the party waiving the right or benefit.
17. Survival. Unless otherwise specified herein, all terms and conditions of this Agreement shall survive the expiration of this Agreement.
18. Remedies. The rights and remedies in this Agreement are in addition to, and not a limitation on, all other rights and remedies available at law or in equity, and exercise of one right or remedy shall not be deemed a waiver of any other right or remedy.
19. Recognition. If Grantee chooses to give written recognition of this grant Grantee shall recognize the County of San Diego and not one or more individual County Supervisors.
20. Counterparts. This Agreement may be executed in counterparts, and each counterpart shall constitute one agreement binding on all parties hereto, notwithstanding that all of the parties are not signatory to an original or same counterpart. The parties agree that signatures transmitted electronically via pdf attachment shall be binding as if they were original signatures.

IN WITNESS WHEREOF, the parties execute this Agreement effective on the date first written above.

COUNTY OF SAN DIEGO  
CORONAVIRUS RELIEF FUND  
SUBGRANT

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COUNTY OF SAN DIEGO

CITY OF EL CAJON

By: \_\_\_\_\_  
Ebony Shelton, Director, Office of Financial  
Planning

By: \_\_\_\_\_  
Graham Mitchell, City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form and legality  
County Counsel

By: \_\_\_\_\_  
Shiri Hoffman, Senior Deputy



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**CORONAVIRUS RELIEF FUND  
SUBGRANT**

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**EXHIBIT A – FEDERAL REQUIREMENTS**

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Grantee shall comply with all applicable requirements associated with the CARES Act Coronavirus Relief Fund. Grantee shall also comply with all applicable requirements of 2 CFR Part 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, including, without limitation, the following:

1. DEBARMENT AND SUSPENSION.

- (a) This Agreement is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such, Grantee is required to verify that none of their principals (defined at 2 C.F.R. § 180.995) or affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- (b) Grantee must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction they enter into.
- (c) This certification is a material representation of fact relied upon by County. If it is later determined that Grantee did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to County, the federal government may pursue available remedies, including but not limited to suspension and/or debarment.

2. SINGLE AUDIT. Grantee shall comply with the Single Audit requirements of 2 CFR Part 200.501, et seq.

3. COMPLIANCE WITH FEDERAL LAW, REGULATIONS, AND EXECUTIVE ORDERS. This is an acknowledgement that federal funding under the CARES Act is used to fund this Agreement. Grantee will comply with all applicable federal law, regulations, executive orders, policies, procedures, and directives.

4. NO OBLIGATION BY FEDERAL GOVERNMENT. The federal government is not a party to this Agreement and is not subject to any obligations or liabilities to the County or Grantee, or any other party pertaining to any matter resulting from the Agreement.

5. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS. Grantee acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to Grantee's actions pertaining to this Agreement.



**City Council  
Agenda Report**

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Mayor Wells  
**SUBJECT:** Council Activity Report

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**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:

May 29 – SANDAG Meeting  
May 31 – Special City Council Meeting  
June 1 – LAFCO Meeting  
June 1 – Mark Larson Show  
June 9 – City Council Meeting

I am available to answer questions.

Submitted By: Bill Wells, Mayor

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City Council  
Agenda Report

**Agenda Item 15.**

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Vince DiMaggio, Assistant City Manager  
**SUBJECT:** Legislative Report

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RECOMMENDATION:

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Attachments

Legislative Report 06/09/20

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# LEGISLATIVE REPORT

| BILL | NO.  | SPONSOR           | SUBJECT  | COUNCIL DATE | POSITION | COMMITTEE | BILL STATUS / LAST ACTION DATE                               |
|------|------|-------------------|--|--------------|----------|-----------|--|
| SB   | 902  | Skinner/Caballero | Makes several changes to the density bonus law, granting several new benefits to developments that provide moderate income rental units.   | 6/9/2020     |          | Senate    | 5/26/20 – From Committee: Do pass and re-refer to Committee. |
| SB   | 1120 | Atkins            | Requires cities to ministerially allow a duplex subdivision (2 legal lots) in a low density single family zoning district.   | 6/9/2020     |          | Senate    | 5/28/20 - From Committee: Do pass and re-refer to Committee. |
| SB   | 1385 | Caballero         | “Neighborhood Homes Act” – allows housing development projects on any lot zoned for office or retail commercial at a density necessary to allow townhome, condominium – type developments. | 6/9/2020     |          | Senate    | 5/28/20 - From Committee: Do pass and re-refer to Committee. |

The Legislative Report tracks bills of the California Legislature that the El Cajon City Council/Housing Authority/Successor Agency to the Redevelopment Agency has voted to monitor/watch, support or oppose.



City Council  
Agenda Report

Agenda Item 16.

**DATE:** June 9, 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 Advanced Purification JPA.

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**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:

May 31 – Special City Council Meeting  
June 4 – Metro JPA  
June 9 – City Council Meeting

I am available to answer questions.

Submitted By: Gary Kendrick, Councilmember

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City Council  
Agenda Report

Agenda Item 17.

**DATE:** June 9, 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.

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**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:

May 31 – Special City Council Meeting  
June 9 – City Council Meeting

I am available to answer questions.

Submitted By: Bob McClellan, Councilmember

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City Council  
Agenda Report

Agenda Item 18.

**DATE:** June 9, 2020

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Councilmember 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 Advanced Purification JPA - Alternate.

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**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:

- May 20 - Phone Call with resident regarding homeless encampment
- May 27 - Phone Call with resident regarding CUP
- May 31 – Special City Council Meeting
- May 31 - City staff work event on City Hall grounds
- June 1 - Phone Call with City Manager
- June 1 - Message with resident regarding curfew question
- June 2 - East County Chamber Government Affairs Committee Meeting
- June 2 - Message with resident regarding curfew question
- June 2 - Phone Call with City Manager
- June 4 - Phone Call with City Manager
- June 8 - Meeting with City Manager
- June 9 - City Council Meeting

I am available to answer questions.

Submitted By: Steve Goble, Councilmember

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City Council  
Agenda Report

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Deputy Mayor Phil Ortiz  
**SUBJECT: DEPUTY MAYOR PHIL ORTIZ**  
East County Economic Development Council; League of California Cities,  
San Diego Division.

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**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:

- May 31 – Special City Council Meeting
- May 31 – Calls to elected officials and community members about riots in La Mesa
- June 1 – Calls to elected officials, community members and media about riots in La Mesa and GoFundMe campaign
- June 2 – Calls to elected officials, community members and media about riots in La Mesa and GoFundMe campaign
- June 9 – City Council Meeting

I am available to answer questions.

Submitted By: Phil Ortiz, Deputy Mayor

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## City Council Agenda Report

Agenda Item 20.

**DATE:** June 9, 2020  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Morgan Foley, City Attorney  
**SUBJECT:** Urgency Ordinance and Standard Ordinance to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining

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### RECOMMENDATION:

That the City Council first adopts Ordinance No. 5100, An Urgency Ordinance Amending Sections 12.09.030 and 12.09.060 of the El Cajon Municipal Code to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining in the City and, if adopted, requests the City Clerk to read the ordinance by title; following the adoption of Ordinance No. 5100, approve the introduction of Ordinance No. 5101, An Ordinance Amending Sections 12.09.030 and 12.09.060 of the El Cajon Municipal Code to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining in the City and, if approved and introduced, requests the City Clerk to read the ordinance by title.

### BACKGROUND:

At the May 26, 2020 City Council meeting the City Council recommended to the City Manager that he propose a way for restaurant owners in El Cajon to more easily and economically obtain permits allowing outdoor dining on the City's sidewalks and rights-of-way on a temporary basis, which would allow some restaurants to have sufficient space to accommodate diners and food service workers by providing sufficient spacing as required by County of San Diego Health Department orders.

In reviewing Chapter 12.09 of the El Cajon Municipal Code ("Chapter 12.09"), which regulates sidewalk dining, staff has identified the most effective means for accomplishing the City Council's objective, which is to temporarily eliminate the need for a conditional use permit as a condition for the issuance of an encroachment permit by the Public Works Department.

Requiring a conditional use permit would delay and might prevent the issuance of an encroachment permit, as it would require: an additional application with the payment of a fee; CEQA review; consideration of a recommendation of approval by the Planning Commission; and approval by the City Council. Restaurant owners attempting to re-establish their business following weeks of closure due to County Health Department orders addressing the novel coronavirus and COVID-19 pandemic would be stymied by further delays if they did not have enough indoor space to accommodate spacing requirements in order to re-open for business. By eliminating the need for a conditional use permit the City is not only providing assistance through economic means, but would also assist in re-opening some businesses that provide food to the residents of El Cajon by safe and legal means.

The proposed ordinances do not eliminate the need for an encroachment permit, which provides safeguards for the City through the requirements that the business provides insurance with appropriate additional insured endorsements, as well as a hold harmless agreement. However, Public Works staff can easily process applications working personally with the applicant and assist in meeting the conditions remaining in Chapter 12.09, without the need to wait for a conditional use permit to be approved.

Both ordinances limit the elimination of the need for a conditional use permit for approximately six (6) months, ending on December 31, 2020. Staff will analyze the effectiveness of these temporary amendments to Chapter 12.09 and, if it appears that the modifications should be permanent, will return with a new ordinance to eliminate the conditional use permit requirement altogether, later this year.

It is recommended that the City Council approve both an urgency ordinance (Ordinance No 5100) with the urgency findings described in the ordinance, which can be adopted with only a first reading, and which takes effect immediately, as well as approve and introduce with first reading a regular ordinance (Ordinance No. 5101), which will then return for second reading and adoption at the June 23, 2020 City Council meeting. Both ordinances provide that upon the effective date of Ordinance No. 5101, the urgency ordinance (Ordinance No. 5100) would terminate and no longer be in force or effective.

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#### Attachments

Urgency Ordinance (marked)  
Urgency Ordinance (final)  
Ordinance (marked)  
Ordinance (final)

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ORDINANCE NO. \_\_\_\_

AN URGENCY ORDINANCE OF THE CITY COUNCIL  
FOR THE CITY OF EL CAJON, CALIFORNIA, AMENDING  
SECTIONS 12.09.030 AND 12.09.060 OF THE  
EL CAJON MUNICIPAL CODE TO TEMPORARILY ELIMINATE  
THE NEED FOR A CONDITIONAL USE PERMIT  
FOR SIDEWALK DINING IN THE CITY

WHEREAS, as a result of the novel coronavirus that leads to the COVID-19 disease, restaurants in the city of El Cajon have been ordered closed by County of San Diego Health Department (“County Health Department”) orders since March of 2020; and

WHEREAS, on or about May 21, 2020, the County Health Department revised its orders to allow dining in restaurants under certain conditions, including with appropriate distancing between patrons; and

WHEREAS, many restaurants in the city have limited indoor space to meet the County Health Department orders, and can only begin allowing patrons to dine in if allowed to utilize city sidewalks and public rights-of-way immediately adjacent to their restaurant in compliance with Chapter 12.09 of the El Cajon Municipal Code (the “Code”); and

WHEREAS, Chapter 12.09 of the Code requires both a conditional use permit and an encroachment permit in order to allow for sidewalk dining; and

WHEREAS, the temporary elimination of the requirement for a conditional use permit will allow restaurants to utilize city-owned sidewalks and other rights-of-way in order to begin dine-in services without the costly and time-consuming requirement of obtaining a conditional use permit, thereby allowing operators and customers the ability to participate in dining at restaurants in safety during the period of time that the County Health Department’s orders remain in place; and

WHEREAS, without the prompt and temporary elimination of the need for a conditional use permit for sidewalk dining, restaurant operations may be further delayed, and financially impacted, if continued to remain closed under the County Health Department orders; efforts to re-open might result in inadequate indoor spacing of patrons absent additional dining spaces on city sidewalks and rights-of-ways; and uncontrolled efforts to create the seated dining experience could result in the potential exposure to the novel coronavirus, with the likelihood of patrons moving tables and chairs to accommodate large groups, or to otherwise socialize on the property in violation of the County Health Department orders; making it necessary to protect the safety and health of patrons and workers in the restaurant industry from the novel coronavirus.

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

SECTION 1. Sections 12.09.030 and 12.09.060 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code are hereby repealed.

SECTION 2. Section 12.09.030 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.030 General provisions.**

The general provisions for sidewalk dining are as follows:

- A. Sidewalk dining will only be allowed in commercial zones.
- B. ~~Except as provided in subsection (M), below, establishment~~ Establishment of sidewalk dining shall require the approval of a conditional use permit for outdoor dining and the issuance of an annual encroachment permit for sidewalk dining. Operators shall comply with all requirements of this chapter, and all conditions imposed by the conditional use permit and encroachment permits.
- C. Operators of the sidewalk dining shall provide adequate public liability insurance in accordance with city council policy and to the satisfaction of the city attorney.
- D. There shall be no damage caused by the sidewalk dining to the paving or the existing features of the sidewalk.
- E. The sidewalk dining shall be adjacent to the operator's associated licensed establishment selling food and beverages for consumption on the premises. See Section 12.09.050(F).
- F. The hours of operation of the sidewalk dining shall not extend beyond the hours of operation of the operator's associated eating and drinking establishment.
- G. Alcoholic beverages will only be available in conjunction with the food service at the sidewalk dining portion.
- H. The sidewalk dining portion shall be kept free of trash, food, and spills at all times.
- I. If there is a sound system in the sidewalk dining portion, it shall be limited to background music only, shall comply with all city noise regulations, and shall not be audible to pedestrians beyond ten feet of the sidewalk dining portion, nor vehicles.
- J. Pedestrians shall have the right-of-way where the food servers and customers have to cross or wait on the sidewalk area outside the sidewalk dining area.
- K. The sidewalk area shall be cleared of all encroachments for special events and maintenance work on the subject and adjacent properties. Some

special events will require that the encroachments be removed prior to midnight of those events (e.g. Mother Goose Parade, etc.) in order to make the entire sidewalk available for pedestrians. Sidewalks must be cleaned and free of all trash, food, and spills, and made safe by the operator for pedestrian use when the encroachments are removed.

- L. The furniture may remain on the sidewalk in the public right-of-way outside the hours of operation only if approved by the city manager or his or her designee. Granting or withholding such approval shall be at the sole discretion of the city manager or his or her designee. Any approved fencing shall be subject to the design criteria set forth in Section 12.09.050, herein.
- M. The requirement for a conditional use permit for sidewalk dining shall not be required during the period of June 15, 2020 and December 31, 2020, inclusive.

SECTION 3. Section 12.09.060 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.060 Permits and approval process.**

Sidewalk dining must be approved by a conditional use permit before an encroachment permit for the sidewalk dining will be issued by the public works department provided, however, that no conditional use permit shall be required during the period of June 15, 2020 and December 31, 2020, inclusive. The encroachment permit shall be an annual permit with new fees based on the city's costs paid each year. Renewal of the encroachment permit will be subject to the satisfactory compliance with the conditions of approval and the encroachment permit. New conditions of approval of the encroachment permit will be subject to the approval of the city council and/or the city manager or his or her designee. The encroachment permit may be revoked upon thirty days written notification to the operator and will be subject to appeal to the city manager and, if necessary, to the city council. Notwithstanding the foregoing, the revocation of the encroachment permit may be effective immediately upon written notification of any violation which endangers the public safety, health, and welfare as determined by the city manager or his or her designee. In such event, the sidewalk dining area shall be posted with a notice that it shall not be occupied until such time as the area is determined safe for further occupancy.

SECTION 4. The City Council hereby finds that the public safety, health, and welfare require that the foregoing temporary amendments to Chapter 12.09 to be made immediately in order to provide restaurants in the city and patrons of those restaurants with adequate spacing to allow safe and healthy dining opportunities, thereby reducing the chances of spreading the novel coronavirus or any other contagious diseases among employees and patrons of restaurants without the present means to expand dining areas due to a lack of adequate floor space.

SECTION 5. This ordinance shall take effect immediately upon passage by a 4/5ths vote of the City Council, and in accordance with Government Code section 36934,

the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once within fifteen (15) days after its adoption. This ordinance shall expire, and be of no force and effect, upon the effective date of Ordinance No. 5101, or any subsequent ordinance amending Chapter 12.09.

06/09/20 CC Agenda

Amend ECMC 12.09.030 & 12.09.060 – Sidewalk Dining Urgency Ordinance (marked) 060420

ORDINANCE NO. \_\_\_\_

AN URGENCY ORDINANCE OF THE CITY COUNCIL  
FOR THE CITY OF EL CAJON, CALIFORNIA, AMENDING  
SECTIONS 12.09.030 AND 12.09.060 OF THE  
EL CAJON MUNICIPAL CODE TO TEMPORARILY ELIMINATE  
THE NEED FOR A CONDITIONAL USE PERMIT  
FOR SIDEWALK DINING IN THE CITY

WHEREAS, as a result of the novel coronavirus that leads to the COVID-19 disease, restaurants in the city of El Cajon have been ordered closed by County of San Diego Health Department (“County Health Department”) orders since March of 2020; and

WHEREAS, on or about May 21, 2020, the County Health Department revised its orders to allow dining in restaurants under certain conditions, including with appropriate distancing between patrons; and

WHEREAS, many restaurants in the city have limited indoor space to meet the County Health Department orders, and can only begin allowing patrons to dine in if allowed to utilize city sidewalks and public rights-of-way immediately adjacent to their restaurant in compliance with Chapter 12.09 of the El Cajon Municipal Code (the “Code”); and

WHEREAS, Chapter 12.09 of the Code requires both a conditional use permit and an encroachment permit in order to allow for sidewalk dining; and

WHEREAS, the temporary elimination of the requirement for a conditional use permit will allow restaurants to utilize city-owned sidewalks and other rights-of-way in order to begin dine-in services without the costly and time-consuming requirement of obtaining a conditional use permit, thereby allowing operators and customers the ability to participate in dining at restaurants in safety during the period of time that the County Health Department’s orders remain in place; and

WHEREAS, without the prompt and temporary elimination of the need for a conditional use permit for sidewalk dining, restaurant operations may be further delayed, and financially impacted, if continued to remain closed under the County Health Department orders; efforts to re-open might result in inadequate indoor spacing of patrons absent additional dining spaces on city sidewalks and rights-of-ways; and uncontrolled efforts to create the seated dining experience could result in the potential exposure to the novel coronavirus, with the likelihood of patrons moving tables and chairs to accommodate large groups, or to otherwise socialize on the property in violation of the County Health Department orders; making it necessary to protect the safety and health of patrons and workers in the restaurant industry from the novel coronavirus.

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

SECTION 1. Sections 12.09.030 and 12.09.060 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code are hereby repealed.



SECTION 2. Section 12.09.030 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.030 General provisions.**

The general provisions for sidewalk dining are as follows:

- A. Sidewalk dining will only be allowed in commercial zones.
- B. Except as provided in subsection (M), below, establishment of sidewalk dining shall require the approval of a conditional use permit for outdoor dining and the issuance of an annual encroachment permit for sidewalk dining. Operators shall comply with all requirements of this chapter, and all conditions imposed by the conditional use permit and encroachment permits.
- C. Operators of the sidewalk dining shall provide adequate public liability insurance in accordance with city council policy and to the satisfaction of the city attorney.
- D. There shall be no damage caused by the sidewalk dining to the paving or the existing features of the sidewalk.
- E. The sidewalk dining shall be adjacent to the operator's associated licensed establishment selling food and beverages for consumption on the premises. See Section 12.09.050(F).
- F. The hours of operation of the sidewalk dining shall not extend beyond the hours of operation of the operator's associated eating and drinking establishment.
- G. Alcoholic beverages will only be available in conjunction with the food service at the sidewalk dining portion.
- H. The sidewalk dining portion shall be kept free of trash, food, and spills at all times.
- I. If there is a sound system in the sidewalk dining portion, it shall be limited to background music only, shall comply with all city noise regulations, and shall not be audible to pedestrians beyond ten feet of the sidewalk dining portion, nor vehicles.
- J. Pedestrians shall have the right-of-way where the food servers and customers have to cross or wait on the sidewalk area outside the sidewalk dining area.
- K. The sidewalk area shall be cleared of all encroachments for special events and maintenance work on the subject and adjacent properties. Some

special events will require that the encroachments be removed prior to midnight of those events (e.g. Mother Goose Parade, etc.) in order to make the entire sidewalk available for pedestrians. Sidewalks must be cleaned and free of all trash, food, and spills, and made safe by the operator for pedestrian use when the encroachments are removed.

- L. The furniture may remain on the sidewalk in the public right-of-way outside the hours of operation only if approved by the city manager or his or her designee. Granting or withholding such approval shall be at the sole discretion of the city manager or his or her designee. Any approved fencing shall be subject to the design criteria set forth in Section 12.09.050, herein.
- M. The requirement for a conditional use permit for sidewalk dining shall not be required during the period of June 15, 2020 and December 31, 2020, inclusive.

SECTION 3. Section 12.09.060 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.060 Permits and approval process.**

Sidewalk dining must be approved by a conditional use permit before an encroachment permit for the sidewalk dining will be issued by the public works department provided, however, that no conditional use permit shall be required during the period of June 15, 2020 and December 31, 2020, inclusive. The encroachment permit shall be an annual permit with new fees based on the city's costs paid each year. Renewal of the encroachment permit will be subject to the satisfactory compliance with the conditions of approval and the encroachment permit. New conditions of approval of the encroachment permit will be subject to the approval of the city council and/or the city manager or his or her designee. The encroachment permit may be revoked upon thirty days written notification to the operator and will be subject to appeal to the city manager and, if necessary, to the city council. Notwithstanding the foregoing, the revocation of the encroachment permit may be effective immediately upon written notification of any violation which endangers the public safety, health, and welfare as determined by the city manager or his or her designee. In such event, the sidewalk dining area shall be posted with a notice that it shall not be occupied until such time as the area is determined safe for further occupancy.

SECTION 4. The City Council hereby finds that the public safety, health, and welfare require that the foregoing temporary amendments to Chapter 12.09 to be made immediately in order to provide restaurants in the city and patrons of those restaurants with adequate spacing to allow safe and healthy dining opportunities, thereby reducing the chances of spreading the novel coronavirus or any other contagious diseases among employees and patrons of restaurants without the present means to expand dining areas due to a lack of adequate floor space.

SECTION 5. This ordinance shall take effect immediately upon passage by a 4/5ths vote of the City Council, and in accordance with Government Code section 36934,

the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once within fifteen (15) days after its adoption. This ordinance shall expire, and be of no force and effect, upon the effective date of Ordinance No. 5101, or any subsequent ordinance amending Chapter 12.09.

06/09/20 CC Agenda

Amend ECMC 12.09.030 & 12.09.060 – Sidewalk Dining Urgency Ordinance (final) 060420

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL  
FOR THE CITY OF EL CAJON, CALIFORNIA, AMENDING  
SECTIONS 12.09.030 AND 12.09.060 OF THE  
EL CAJON MUNICIPAL CODE TO TEMPORARILY ELIMINATE  
THE NEED FOR A CONDITIONAL USE PERMIT  
FOR SIDEWALK DINING IN THE CITY

THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 12.09.030 and 12.09.060 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code are hereby repealed.

SECTION 2. Section 12.09.030 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.030 General provisions.**

The general provisions for sidewalk dining are as follows:

- A. Sidewalk dining will only be allowed in commercial zones.
- B. ~~Except as provided in subsection (M), below, establishment~~ Establishment of sidewalk dining shall require the approval of a conditional use permit for outdoor dining and the issuance of an annual encroachment permit for sidewalk dining. Operators shall comply with all requirements of this chapter, and all conditions imposed by the conditional use permit and encroachment permits.
- C. Operators of the sidewalk dining shall provide adequate public liability insurance in accordance with city council policy and to the satisfaction of the city attorney.
- D. There shall be no damage caused by the sidewalk dining to the paving or the existing features of the sidewalk.
- E. The sidewalk dining shall be adjacent to the operator's associated licensed establishment selling food and beverages for consumption on the premises. See Section 12.09.050(F).
- F. The hours of operation of the sidewalk dining shall not extend beyond the hours of operation of the operator's associated eating and drinking establishment.
- G. Alcoholic beverages will only be available in conjunction with the food service at the sidewalk dining portion.

- H. The sidewalk dining portion shall be kept free of trash, food, and spills at all times.
- I. If there is a sound system in the sidewalk dining portion, it shall be limited to background music only, shall comply with all city noise regulations, and shall not be audible to pedestrians beyond ten feet of the sidewalk dining portion, nor vehicles.
- J. Pedestrians shall have the right-of-way where the food servers and customers have to cross or wait on the sidewalk area outside the sidewalk dining area.
- K. The sidewalk area shall be cleared of all encroachments for special events and maintenance work on the subject and adjacent properties. Some special events will require that the encroachments be removed prior to midnight of those events (e.g. Mother Goose Parade, etc.) in order to make the entire sidewalk available for pedestrians. Sidewalks must be cleaned and free of all trash, food, and spills, and made safe by the operator for pedestrian use when the encroachments are removed.
- L. The furniture may remain on the sidewalk in the public right-of-way outside the hours of operation only if approved by the city manager or his or her designee. Granting or withholding such approval shall be at the sole discretion of the city manager or his or her designee. Any approved fencing shall be subject to the design criteria set forth in Section 12.09.050, herein.
- M. The requirement for a conditional use permit for sidewalk dining shall not be required during the period of June 15, 2020 and December 31, 2020, inclusive.

SECTION 3. Section 12.09.060 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.060 Permits and approval process.**

Sidewalk dining must be approved by a conditional use permit before an encroachment permit for the sidewalk dining will be issued by the public works department provided, however, that no conditional use permit shall be required during the period of June 15, 2020 and December 31, 2020, inclusive. The encroachment permit shall be an annual permit with new fees based on the city's costs paid each year. Renewal of the encroachment permit will be subject to the satisfactory compliance with the conditions of approval and the encroachment permit. New conditions of approval of the encroachment permit will be subject to the approval of the city council and/or the city manager or his or her designee. The encroachment permit may be revoked upon thirty days written notification to the operator and will be subject to appeal to the city manager and, if

necessary, to the city council. Notwithstanding the foregoing, the revocation of the encroachment permit may be effective immediately upon written notification of any violation which endangers the public safety, health, and welfare as determined by the city manager or his or her designee. In such event, the sidewalk dining area shall be posted with a notice that it shall not be occupied until such time as the area is determined safe for further occupancy.

SECTION 4. Ordinance No. 5100 is hereby repealed.

SECTION 5. This ordinance shall go into effect thirty (30) days following its passage and adoption.

06/09/20 CC Agenda – 1<sup>st</sup> Reading

06/23/20 CC Agenda – 2<sup>nd</sup> Reading

Amend ECMC 12.09.030 & 12.09.060 – Sidewalk Dining Ordinance 060420

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL  
FOR THE CITY OF EL CAJON, CALIFORNIA, AMENDING  
SECTIONS 12.09.030 AND 12.09.060 OF THE  
EL CAJON MUNICIPAL CODE TO TEMPORARILY ELIMINATE  
THE NEED FOR A CONDITIONAL USE PERMIT  
FOR SIDEWALK DINING IN THE CITY

THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 12.09.030 and 12.09.060 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code are hereby repealed.

SECTION 2. Section 12.09.030 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.030 General provisions.**

The general provisions for sidewalk dining are as follows:

- A. Sidewalk dining will only be allowed in commercial zones.
- B. Except as provided in subsection (M), below, establishment of sidewalk dining shall require the approval of a conditional use permit for outdoor dining and the issuance of an annual encroachment permit for sidewalk dining. Operators shall comply with all requirements of this chapter, and all conditions imposed by the conditional use permit and encroachment permits.
- C. Operators of the sidewalk dining shall provide adequate public liability insurance in accordance with city council policy and to the satisfaction of the city attorney.
- D. There shall be no damage caused by the sidewalk dining to the paving or the existing features of the sidewalk.
- E. The sidewalk dining shall be adjacent to the operator's associated licensed establishment selling food and beverages for consumption on the premises. See Section 12.09.050(F).
- F. The hours of operation of the sidewalk dining shall not extend beyond the hours of operation of the operator's associated eating and drinking establishment.
- G. Alcoholic beverages will only be available in conjunction with the food service at the sidewalk dining portion.

- H. The sidewalk dining portion shall be kept free of trash, food, and spills at all times.
- I. If there is a sound system in the sidewalk dining portion, it shall be limited to background music only, shall comply with all city noise regulations, and shall not be audible to pedestrians beyond ten feet of the sidewalk dining portion, nor vehicles.
- J. Pedestrians shall have the right-of-way where the food servers and customers have to cross or wait on the sidewalk area outside the sidewalk dining area.
- K. The sidewalk area shall be cleared of all encroachments for special events and maintenance work on the subject and adjacent properties. Some special events will require that the encroachments be removed prior to midnight of those events (e.g. Mother Goose Parade, etc.) in order to make the entire sidewalk available for pedestrians. Sidewalks must be cleaned and free of all trash, food, and spills, and made safe by the operator for pedestrian use when the encroachments are removed.
- L. The furniture may remain on the sidewalk in the public right-of-way outside the hours of operation only if approved by the city manager or his or her designee. Granting or withholding such approval shall be at the sole discretion of the city manager or his or her designee. Any approved fencing shall be subject to the design criteria set forth in Section 12.09.050, herein.
- M. The requirement for a conditional use permit for sidewalk dining shall not be required during the period of June 15, 2020 and December 31, 2020, inclusive.

SECTION 3. Section 12.09.060 is hereby added to Chapter 12.09 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.09.060 Permits and approval process.**

Sidewalk dining must be approved by a conditional use permit before an encroachment permit for the sidewalk dining will be issued by the public works department provided, however, that no conditional use permit shall be required during the period of June 15, 2020 and December 31, 2020, inclusive. The encroachment permit shall be an annual permit with new fees based on the city's costs paid each year. Renewal of the encroachment permit will be subject to the satisfactory compliance with the conditions of approval and the encroachment permit. New conditions of approval of the encroachment permit will be subject to the approval of the city council and/or the city manager or his or her designee. The encroachment permit may be revoked upon thirty days written notification to the operator and will be subject to appeal to the city manager and, if



necessary, to the city council. Notwithstanding the foregoing, the revocation of the encroachment permit may be effective immediately upon written notification of any violation which endangers the public safety, health, and welfare as determined by the city manager or his or her designee. In such event, the sidewalk dining area shall be posted with a notice that it shall not be occupied until such time as the area is determined safe for further occupancy.

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SECTION 5. This ordinance shall go into effect thirty (30) days following its passage and adoption.

06/09/20 CC Agenda – 1<sup>st</sup> Reading

06/23/20 CC Agenda – 2<sup>nd</sup> Reading

Amend ECMC 12.09.030 & 12.09.060 – Sidewalk Dining Ordinance 060420



City Council  
Agenda Report

**Agenda Item 21.**

**DATE:** June 9, 2020

**TO:** City Clerk

**FROM:** City Attorney/General Legal Counsel

**SUBJECT:** Closed Session - Public Employee Performance Evaluation: City Manager

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**RECOMMENDATION:**

That the following Closed Session be scheduled for the Joint City Council/Housing Authority/Successor Agency to El Cajon Redevelopment Agency agenda on Tuesday, June 9, 2020, at 3:00 p.m.:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

Morgan L. Foley  
City Attorney/General Legal Counsel

MLF:hms

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City Council  
Agenda Report

**DATE:** June 9, 2020  
**TO:** City Clerk  
**FROM:** City Attorney/General Legal Counsel  
**SUBJECT:** Closed Session - Conference with Legal Counsel - Anticipated Litigation - pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: One (1) potential case

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RECOMMENDATION:

That the following Closed Session be scheduled for the Tuesday, June 9, 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:

Number of potential cases: 1

Morgan L. Foley  
City Attorney/General Legal Counsel

MLF:hms

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