



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

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda JANUARY 12, 2021, 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
Gary Kendrick, Mayor Pro Tem
Michelle Metschel, Councilmember
Steve Goble, Councilmember
Phil Ortiz, 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 December 8, 2020, Meeting and the Agenda of the January 12, 2021, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

Presentation: Wells Park Mini-Pitch Virtual Grand Opening

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 Meeting

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the December 8, 2020, Meeting, and Minutes of the Joint Special Meeting of December 22, 2020, of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

RECOMMENDATION:

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

3. Approval of Reading Ordinances by Title Only

RECOMMENDATION:

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

4. Donation of a Police Canine from the El Cajon ACES Foundation to the El Cajon Police Department via the El Cajon Canine Officers Association (ECCOA).

RECOMMENDATION:

That the City Council authorizes the City Manager or his designee to accept the donation of a police canine and any associated POST-certified training costs for a total of \$16,814 from the ECCOA. The funding was provided to the ECCOA from the ACES Foundation for the sole purpose of purchasing a new police canine and associated training.

5. Target Corporation Youth Soccer Grant

RECOMMENDATION:

That the City Council accepts a grant in the amount of \$1,000 from Target Corporation to purchase youth soccer equipment.

6. Updates to the City's Insurance Requirements

RECOMMENDATION:

That the City Council repeals and replaces City Council Policy D-3, *Insurance Requirements*, with the proposed updated City Council Policy D-3.

7. Workers' Compensation Settlement Authority and Mandatory Reporting

RECOMMENDATION:

That the City Council:

1. Approves amendment to City Council Policy A-5, *Claims Against the City for Damage to Person or Property*, establishing settlement authority for workers' compensation claims; and
2. Adopts the next Resolution, in order, designating the City Manager as the Authorized Representative for mandatory reporting requirements pertaining to workers' compensation settlements.

8. Contract Amendment for Safety and Environmental Justice General Plan Amendment

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to increase the Agreement for Professional Services with Dudek in the not-to-exceed amount of \$72,460.

9. Disposal of Retired Property

RECOMMENDATION:

That the City Council declares the listed property retired and authorizes disposal in accordance with policy.

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:

10. Approval of the Disposition of Property located at 1034 N. Magnolia Avenue and Second Amendment to FY 2020-21 One-Year Action Plan to Re-Allocate CDBG Funds for Wells Park.

RECOMMENDATION:

Staff recommends that the City Council:

1. Opens the public hearing and accepts public testimony for the disposition of property located at 1034 N. Magnolia Avenue, and the 2nd Amendment to the FY 2020-21 One-Year Action Plan;
2. Closes the public hearing; and
3. Adopts the next Resolution, in order, Amending the FY 2020-21 One-Year Action Plan to:
 - a. Approve the sale of property at 1034 N. Magnolia Avenue and authorize the City Manager, or designee, to execute all documents and agreements necessary for the sale of the property;
 - b. Appropriate up to \$75,000 in General funds for seller's costs in the transaction;
 - c. Authorize receipt of proceeds from the sale as Community Development Block Grant (CDBG) program income;
 - d. Re-allocate and appropriate \$550,000 in CDBG program income funds to

- the Wells Park Improvement project; and
- e. Make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

11. CDBG CARES Act - Second Amendment to FY 2019-20 One-Year Action Plan to Re-Allocate CDBG-CV Funds and to Allocate CDBG-CV3 Funds

RECOMMENDATION:

Staff recommends that the City Council:

1. Opens the public hearing and accepts public testimony;
2. Closes the public hearing; and
3. Adopts the next Resolution, in order, Amending the FY 2019-20 One-Year Action Plan to:
 - a. Amend the agreement with CSA San Diego County to reduce the allocation of CDBG-CV funding not to exceed \$80,000;
 - b. Re-allocate \$120,000 in CDBG-CV funds from CSA San Diego County to Home Start, Inc., for rental and utility assistance for families affected by the coronavirus;
 - c. Allocate and appropriate \$100,000 in CDBG-CV3 funds to Home Start, Inc., for continuation of the emergency motel stays/housing for homeless persons to prevent the spread of the coronavirus;
 - d. Allocate and appropriate \$100,000 in CDBG-CV3 funds to Home Start, Inc., for the provision of rent, mortgage and utility assistance program for the purpose of ensuring families remain housed to prevent the spread of the coronavirus; and
 - e. Authorize the City Manager, or designee, to make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

ADMINISTRATIVE REPORTS:

12. Local Campaign Contribution Limits

RECOMMENDATION:

That the City Council provides direction to staff regarding local campaign contribution limits.

13. Term Expirations on City Commissions

RECOMMENDATION:

That the City Council considers the appointment of commissioners to the City's Personnel Commission, Planning Commission, and Public Safety Facility Financing Oversight Committee, and if appropriate, authorizes the release of applications and scheduling of interviews for candidates as follows:

Application Period: January 13, 2021 - February 1, 2021 at 5:00 p.m.

Interview and Appointment of Applicants: February 9, 2021 at 7:00 p.m.

14. City of El Cajon Employee Wellness Incentive Program

RECOMMENDATION:

That the City Council approves and authorizes staff to implement an Employee Wellness Incentive Program for all benefited City employees.

15. COVID-19 Status Report

RECOMMENDATION:

No action required.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS

SANDAG (San Diego Association of Governments) Board of Directors; SANDAG – Audit Committee, San Diego Division; LAFCO.

16. Council Activity Report

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

17. **MAYOR PRO TEM GARY KENDRICK**

METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

18. **COUNCILMEMBER MICHELLE METSCHEL**

Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.

19. **COUNCILMEMBER STEVE GOBLE**
MTS (Metropolitan Transit System Board); East County Advanced Water Purification Joint Powers Authority Board; Chamber of Commerce – Government Affairs Committee; SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate; METRO Commission/Wastewater JPA – Alternate.
20. **COUNCILMEMBER PHIL ORTIZ**
League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – Alternate.

JOINT COUNCILMEMBER REPORTS:

GENERAL INFORMATION ITEMS FOR DISCUSSION:

ORDINANCES: FIRST READING

21. Ordinance to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining through June 30, 2021

RECOMMENDATION:

That the City Council approves the introduction of *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 of El Cajon through June 30, 2021*, and, if approved, requests the City Clerk to read the ordinance by title.

ORDINANCES: SECOND READING AND ADOPTION

CLOSED SESSIONS:

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 12th day of January 2021, is adjourned to Tuesday, January 26, 2021, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: January 12, 2021

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 Meeting

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the December 8, 2020, Meeting, and Minutes of the Joint Special Meeting of December 22, 2020, of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

12-08-20 DRAFT minutes - 230PM

12-22-20 DRAFT minutes - 10AM

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



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

December 8, 2020

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, December 8, 2020, was called to order by Mayor/Chair Bill Wells at 2:30 p.m., in Centennial Plaza, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers present:
Council/Agencymembers absent:
Deputy Mayor/Vice Chair present:
Mayor/Chair present present:
Other Officers present:

Goble
Kendrick, McClellan
Ortiz
Wells
Foley, City Attorney/General Counsel
Cortez, City Clerk/Secretary

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Wells and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer, as part of City Council Meetings, is not permitted under the Constitution).

POSTINGS: The City Clerk posted Orders of Adjournment of the November 10, 2020, meeting and the Agenda of the December 8, 2020, meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

NOVEMBER 3, 2020 - GENERAL MUNICIPAL ELECTION - CERTIFICATE OF RESULTS OF CANVASS

1. Official Results of the 2020 General Municipal Election

RECOMMENDATION:

That the City Council adopt the next Resolution, in order, declaring the results of the November 3, 2020 General Municipal Election for one Council Member each for District Two, District Three, and District Four.

The City Clerk recited the results of the Canvass of the Election for one Council Member each for District Two, District Three, and District Four.

MOTION BY GOBLE, SECOND BY WELLS, to ADOPT Resolution No. 117-20 declaring the results of the November 3, 2020, General Municipal Election for one Councilmember each for District Two, District Three, and District Four.

**MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT
(KENDRICK, McCLELLAN - Absent)**

**OATH OF OFFICE ADMINISTERED TO MICHELLE METSCHEL
Remarks by Councilmember Metschel**

**OATH OF OFFICE ADMINISTERED TO STEVE GOBLE
Remarks by Councilmember Goble**

**OATH OF OFFICE ADMINISTERED TO PHIL ORTIZ
Remarks by Councilmember Ortiz**

***Recess called at 2:48 p.m.
Meeting reconvened at 3:16 p.m.***

**New Councilmembers of District Two, District Three,
and District Four Seated.**

ROLL CALL

Council/Agencymembers via virtual platform: Goble, Kendrick and Metschel
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

Retiring Councilmember, Bob McClellan shared a few words about his time serving the City of El Cajon.

Words of gratitude were expressed by Councilmembers towards Mr. McClellan.

PRESENTATIONS: None

AGENDA CHANGES: None

CONSENT ITEMS: (2 – 12)

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

Approves Minutes of the November 10, 2020, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

- 3. Warrants

Approves payment of Warrants as submitted by the Finance Department.

- 4. Approval of Reading Ordinances by Title only

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

CONSENT ITEMS: (Continued)

5. Extension to On-Site Fleet Parts Program

Adopts Resolution No. 118-20 to extend the existing contract for the on-site fleet parts program with County Motor Parts Co. Inc., for a three-month term in the not-to-exceed amount of \$100,000.

6. Award of RFP No. 015-21 – Madison Avenue Safety Improvements (Non-Federal) Project

Adopts Resolution No. 119-20 to enter into an agreement with Psomas in the not-to-exceed amount of \$245,714.00 for a three-year term.

7. Approval of a Cooperative Agreement for the Broadway Creek Restoration Project

1. Adopts Resolution No. 120-20 to authorize the City Manager, or approved designee, to execute a cooperative agreement between the City of El Cajon and the County of San Diego for purposes of establishing roles and responsibilities between the project co-sponsors, and for reimbursing the City for improvements to Broadway Creek for costs in the not-to-exceed amount of \$170,000; and
2. Appropriates \$170,000 of San Diego County funds to a Wastewater Specific Account to supplement the proposed FY2020-21 Budget for Broadway Creek Restoration, WW3586.

8. Amendment to Master Services and Purchasing Agreement for Body Worn Cameras

Adopts Resolution No. 121-20 to authorize an increase to the Master Services and Purchasing Agreement with Axon Enterprise, Inc., in the not-to-exceed amount of \$260,999.56.

Remainder of page intentionally left blank.

CONSENT ITEMS: (Continued)

9. CalRecycle Beverage Container Recycling Program

Adopts Resolution No. 122-20 to:

1. Authorize the City Manager to apply for Beverage Container Recycling City/County Payment Program funds in the amount of \$25,868 from the State of California Department of Resources Recycling and Recovery (CalRecycle);
2. Appropriate Beverage Container Recycling City/County Payment Program funds in the amount of \$25,868 for Recycled Beverage Container diversion; and
3. Authorize the City Manager, or such person designated by the City Manager, to execute the Payment Program agreement and all such other documents necessary to obtain the Beverage Container Recycling funds, in such form as approved by the City Manager with approval of the City Attorney.

10. Award of Bid No. 014-21 - Armored Rescue Vehicle

Adopts Resolution No. 123-20 to:

1. Find the first low bidder non-responsive and deny its protest for the reasons set forth in this agenda report; and
2. Award the bid to the lowest responsive, responsible bidder, Lenco Industries, Inc., in the amount of \$328,598.

DISCUSSION

In answer to a question by Councilmember Goble, City Manager Mitchell and Police Chief Moulton clarified that the current vehicle, considered a Regional Vehicle Asset, currently shared with the City of La Mesa will be moved full time to La Mesa, and the new rescue vehicle will be stationed full time in the City of El Cajon.

11. Fiscal Year 2019-20 El Cajon Housing Authority Annual Report (pursuant to California Health & Safety Code §34176.1)

El Cajon Housing Authority reviews and accepts this Annual Report, substantially in the form as presented, for fiscal year ending June 30, 2020.

DISCUSSION

In answer to a question by Councilmember Goble, City Manager Mitchell confirmed the report showing the City was not in compliance with the 30% Area Median Income Requirement was simply a timing issue rather than a program issue, and it will be resolved appropriately.

CONSENT ITEMS: (Continued)

12. Minimum Wage Update to City Council Policy A-29

That the City Council approves and authorizes the minimum wage updates in City Council A-29 Policy for the impacted non-represented part-time/seasonal/temporary classifications.

MOTION BY WELLS, SECOND BY KENDRICK, to APPROVE Consent Items 2 to 12.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC COMMENT:

Stephanie Harper submitted an online comment to congratulate and support Councilmember Metschel.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

13. Delinquent Refuse Collection Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and considers public testimony;
2. Closes the Public Hearing;
3. Adopts the next Resolution, in order, confirming the list of property owners as delinquent in the payment of their mandatory trash service bills; and
4. Authorizes the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

DISCUSSION

Director of Public Works, Yazmin Arellano, provided a summary of the Item.

Mayor Wells opened the Public Hearing.

No comments were received for the Item.

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

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Item 13 – Continued)

Councilmember Goble thanked Waste Management for the many years of support to the City.

Christine Costa from Waste Management stated Waste Management is still part of the community and they will continue to support the City as needed.

MOTION BY ORTIZ, SECOND BY KENDRICK, to ADOPT Resolution No. 124-20 A - I, confirming the list of property owners as delinquent in the payment of their mandatory trash service bills; and Authorizes the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

14. Selection of Deputy Mayor

RECOMMENDATION:

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

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Mayor Wells recommended that Councilmember Kendrick serve as Mayor Pro Tem for the 2021 calendar year.

MOTION BY WELLS, SECOND BY ORTIZ, to APPOINT Councilmember KENDRICK as Mayor Pro Tem according to the El Cajon Municipal Code for the 2021 Calendar Year.

MOTION CARRIED BY UNANIMOUS VOTE.

15. Regain Local Control from State Legislature

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, expressing support for actions to further strengthen local democracy, authority, and control related to local zoning and housing issues.

ADMINISTRATIVE REPORTS: (Item 15 – Continued)

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Deputy Mayor Ortiz thanked staff for preparing the report and resolution for the Item.

MOTION BY ORTIZ, SECOND BY GOBLE, to ADOPT Resolution No. 125-20 expressing support for actions to further strengthen local democracy, authority, and control related to local zoning and housing issues.

MOTION CARRIED BY UNANIMOUS VOTE.

16. COVID-19 Status Report

RECOMMENDATION:

No action required.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

No comments were received for the Item.

Discussion ensued among Council and Staff regarding Intensive Care Unit availability. Councilmembers requested COVID-19 data for City of El Cajon only.

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; League of California Cities, San Diego Division; LAFCO.

17. Council Activities Report/Comments

Report as stated.

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS: (Continued)

18. City Council Assignments

RECOMMENDATION:

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

DISCUSSION

City Manager Mitchell shared his recommendations for City Council assignments.

No comments were received for the Item.

MOTION BY WELLS, SECOND BY GOBLE, to APPROVE City Council assignments (as identified in the report) to various boards and commissions representing El Cajon.

MOTION CARRIED BY UNANIMOUS VOTE.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

19. 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.

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

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

- 21. 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.

- 22. DEPUTY MAYOR PHIL ORTIZ
East County Economic Development Council.

Council Activities Report/Comments.

Report as stated.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION - None

CLOSED SESSIONS:

- 23. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: David Homoki v. City of El Cajon
San Diego Superior Court Case No. 37-2019-00001896-CU-PO-CTL
- 24. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: First Main Partners, LLC v. City of El Cajon et al.,
San Diego Superior Court Case No. 37-2020-00022053-CU-OR-CTL

CLOSED SESSIONS: (Continued)

*Adjourned to Closed Session at 4:06 p.m.
Reconvene to Open Session at 4:32 p.m.*

City Attorney Foley reported the following actions:

- Item 23: City Council gave direction to its Attorneys
- Item 24: City Council gave direction to Legal Counsel

Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 8th day of December, 2020, at 4:33 p.m., to Tuesday, January 12, 2021, at 3:00 p.m.

DRAFT
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

December 22, 2020

A Joint Special Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, December 22, 2020, was called to order by Mayor/Chair Bill Wells at 10:00 a.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers via virtual platform: Goble, Kendrick and Metschel
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).

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ADMINISTRATIVE REPORTS:

1. Emergency Allocation of Community Development Block Grant - CARES Act Funds

RECOMMENDATION:

That the City Council considers allocating CDBG-CV3 funds to implement a pilot program to provide air filtration devices to income-eligible residents to slow the spread of COVID-19 infection in the City of El Cajon.

DISCUSSION

City Manager Mitchell provided information of the Item.

Councilmember Goble expressed concerned as the City of El Cajon is one of the two local cities with the highest numbers of COVID-19 cases. Councilmember Goble added that filtration systems, along with other preventive measures are recommended by the Environmental Protection Agency (EPA).

Discussion ensued among Council and Staff concerning the following:

- Timeline to obtain the air filtration devices;
- Rate of infection in Senior Care Facilities;
- Timeline to qualify applicants and place the units in homes;
- Concern that no other San Diego County cities are considering a similar program;
- Information on size and cost of air filtration units;
- Can success be measured on the proposed program; and
- Concern of air filtration units being sold by recipients.

Michelle Sweetman submitted an online comment to express support for the idea of additional funding for local businesses.

Jo Alegria submitted an online comment to express gratitude for possible grant funding for the Cajon Valley Union School District.

Carol Lewis submitted an online comment in support of the proposed air filtration devices. In addition Ms. Lewis commented on a rally held on December 21, 2020, in El Cajon where people could be seen without masks or without respecting the social distancing guidelines.

John Bailey submitted an online comment to ask that the City Council do something about the ongoing homeless situation.

ADMINISTRATIVE REPORTS: (Item 1 – Continued)

Stephanie Harper submitted an online comment to suggest that the City Council adopt a pre-requisite check, to confirm those running for a district election actually live within the district.

Councilmember Goble stated that the success rate of the air filtration systems would be gauged by bringing down the COVID-19 rates in the City. He added the filtration systems would probably be needed for several months. Councilmember Goble stated that those with limited income, and living in units smaller than 1000 square feet would benefit from the proposed program. He also added that the \$50,000 would come from unallocated Community Development Block Grant (CDBG) funds.

Discussion continued among Council and Staff concerning the following:

- Using the \$50,000 for rental assistance in the near future; and
- Data not supporting the effectiveness of air filtration systems.

Vicky Lux submitted a comment, via the City Clerk's office to express concern of the increase in San Diego Gas & Electric utility bill if units are placed in homes.

City Manager Mitchell clarified that households who qualify for rental assistance also qualify for utility assistance.

Councilmember Goble stated he will continue to find a way to help those with limited income, living in the City of El Cajon, which has experienced high number of COVID-19 cases.

MOTION BY GOBLE to APPROVE allocating CDBG-CV3 funds to implement a pilot program to provide air filtration devices to income-eligible residents to slow the spread of COVID-19 infection in the City of El Cajon.

MOTION FAILED BY LACK OF A SECOND.

Adjournment: Mayor Wells adjourned the Joint Special Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 22nd day of December, 2020, at 10:54 a.m., to Tuesday, January 12, 2021, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Mike Moulton, Chief of Police
SUBJECT: Donation of a Police Canine from the El Cajon ACES Foundation to the El Cajon Police Department via the El Cajon Canine Officers Association (ECCOA).

RECOMMENDATION:

That the City Council authorizes the City Manager or his designee to accept the donation of a police canine and any associated POST-certified training costs for a total of \$16,814 from the ECCOA. The funding was provided to the ECCOA from the ACES Foundation for the sole purpose of purchasing a new police canine and associated training.

BACKGROUND:

The El Cajon Canine Officers Association (ECCOA) was incorporated in 2015. The ECCOA is organized under the California Nonprofit Public Benefit Corporation Law for public and charitable purposes. The primary functions of the ECCOA are as follows: To assist, organize and contribute towards the care and well-being of retired police service dogs that have served in the City of El Cajon, to improve the law enforcement canine image in the City of El Cajon, to financially assist with the purchase of equipment, seminars, competitions and other activities designated to further the goals and objectives of the canine unit and to establish, administer and accept financial contributions which are used to accomplish the program goals set up by the ECCOA.

The ACES Foundation has generously provided financial support to the City of El Cajon Animal Shelter for several years. Previous ACES donations have supported many critical needs of the El Cajon Animal Shelter, which would otherwise have been unavailable without their support. The El Cajon ACES Foundation receives no government funding and is supported solely by contributions, grants, bequests, and fundraisers. Recently, the City of El Cajon contracted with the San Diego Humane Society to take over operations of the El Cajon Animal Shelter. The ACES Foundation, desiring to continue its support of the City, reached out to the police department to inquire if they could provide any financial assistance to the department's canine team since it still fell within the mission of their foundation.

The City of El Cajon Police Canine Team was established in the 1950s. The canine team provides the El Cajon Police Department with a critical tool that is used to assist patrol and investigative officers in conducting, high-risk stops, building searches, field searches, and narcotic searches. When fully staffed, the police canine team has a total of four officers. Due to staffing and financial constraints the canine team has not been fully staffed since 2017. A

Capital Outlay request was approved in the FY20/21 Police Department Budget in the Citizens Option for Public Safety (COPS) Fund for the purchase of a new police canine and associated POST-certified training for a total cost of \$16,814.

FISCAL IMPACT:

The anticipated cost savings to the El Cajon Police Department - COPS Fund (215000) from this donation would be \$16,814. The associated equipment costs and veterinary expenses for this additional canine are included in the FY20/21 Canine Unit Budget and there is currently a fourth police vehicle already allocated to the canine team. There will be no impact to the City's General Fund.

Prepared By: Julie Wiley, Sr. Management Analyst

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager



**City Council
Agenda Report**

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Frank Carson, Director of Parks & Recreation
SUBJECT: Target Corporation Youth Soccer Grant

RECOMMENDATION:

That the City Council accepts a grant in the amount of \$1,000 from Target Corporation to purchase youth soccer equipment.

BACKGROUND:

The City of El Cajon has again been awarded this grant for the use of purchasing equipment for the Recreation Department's youth soccer program. Staff will purchase new equipment to benefit the league and its participants. Specifically, small floor barriers will be purchased to separate the playing area from the spectators during indoor soccer games.

FISCAL IMPACT:

Grant funding in the amount of \$1,000 will be deposited in the Recreation Special Revenue Fund account (240000) and expenditures will be taken from that same account. Additionally, appropriations will be increased accordingly for this account. The grant funding will pay for all equipment purchased.

Prepared By: Julie Alon, Parks & Recreation Manager
Reviewed By: Frank Carson, Director of Parks & Recreation
Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Dave Richards, Senior Management Analyst
SUBJECT: Updates to the City's Insurance Requirements

RECOMMENDATION:

That the City Council repeals and replaces City Council Policy D-3, *Insurance Requirements*, with the proposed updated City Council Policy D-3.

BACKGROUND:

Requiring insurance from vendors and contractors plays an important role in protecting the City financially. While most contracts are fulfilled without incident, some have the potential to create substantial liability. Without proper insurance from a contractor, the City assumes significant exposure to liability. This liability could cost tens-of-millions of dollars that would otherwise go towards providing City services.

The City's insurance requirements are outlined in City Council Policy D-3, *Insurance Requirements*, which was written in 1995 and has subsequently been revised several times as various legal conditions have warranted. At this time, the current policy has become outdated and difficult to understand. In addition, some of the City's current requirements are challenging for vendors, contractors, and others to meet and, at times, has created significant delays in contract start times.

To address these issues, the proposed updated policy was written with a focus on streamlining, modernizing, and simplifying. The proposed updated policy also includes a series of modifications that make it easier to meet the City's insurance requirements and are in-line with other government agencies in the region. These changes include:

AM Best Rating: AM Best rates the financial strength of insurance providers from "D" for Poor to "A++" for Superior. Currently, the City requires an "A" or better rating. "A" is in the same category as "A-," or the Excellent financial strength category. The proposed updated policy changes the AM Best Rating requirement to "A-" or better.

Cancellation Notice: Currently, the City requires a 30-day cancellation notice. Over time, this has become a difficult policy endorsement to obtain. The proposed updated policy reduces the cancellation notice to 10-days.

Blanket Endorsements: The City currently requires specific insurance endorsement documents. These documents change the policy, for example, to add the City as an "additional insured." Over time, the insurance industry has improved blanket endorsements and policy language to allow for automatic extension of coverage when required by a contract. Staff recommends allowing blanket endorsements for review and consideration.

Proof of Insurance: Currently, the City's proof of insurance requirements include a full page of endorsement and certificate document specifications that do not substantively change the policy limits or type. The proposed updated policy removes these specifications. Staff will provide proof of insurance specifications to contractors as a separate document.

Exceptions and Additional Requirements: Over the years, the City's insurance requirements have been amended to include additional specific consideration. This has made the policy expansive and hard to read. The proposed updated policy generalizes requirements and allows the City to change its requirements based on the nature of the risk, thus reducing the need to include everything in the policy.

Successor Agency: The proposed updated policy removes the requirement to insure the Successor Agency as additionally insured and instead allows the City to add the Successor Agency requirement to contracts as needed.

In addition to these changes, the proposed updated policy is divided into three sections: Article 1, General Insurance requirements; Article 2, Public Right-of-Way requirements; and Article 3, Construction Contract requirements. This change is meant to make it easier to find the section that applies to the specific contractor.

FISCAL IMPACT:

There is no fiscal impact related to this policy update.

Prepared By: David Richards, Senior Management Analyst

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

Attachments

Current Insurance Requirements

Revised Insurance Requirements

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT:	Insurance Requirements	POLICY	
		D-3	
REFERENCE:	Adopted 7/26/94 Amended 11/29/05 Amended 04/14/15	EFFECTIVE	PAGE
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PURPOSE

To provide a uniform City policy for liability insurance requirements and to establish procedures for its consistent application.

BACKGROUND

To help protect the City against liability, all individuals, contractors, agencies and organizations conducting business in association with, on behalf of, or in certain circumstances within the City of El Cajon are required to maintain adequate liability insurance coverage acceptable to the City.

Because of the differing levels of protection needed for various activities conducted within the City, the City has established policy limits and standards which directly relate to the type of activity being conducted.

POLICY

All individuals, contractors, agencies, and organizations conducting business either for the City of El Cajon (or the Successor Agency to the El Cajon Redevelopment Agency) or pursuant to an ordinance, resolution, agreement or policy requiring the maintenance of liability insurance shall provide proof of liability insurance in the following amounts and written on an occurrence basis (claims made coverage will be accepted only after verifying that occurrence coverage is not available):

1. A combined single limit policy with aggregate limits in the amount of \$2 million for all construction projects and for carnivals, subdivisions, and pollution coverage subject to section 5.c. under the heading "INSURANCE STANDARDS," with a maximum deductible or self-insurance retention ("SIR") of \$500,000; for policies not having a "combined single limit," minimum limits in amounts as follows:

Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Unless staff determines that circumstances (i.e. high risk project, etc.) require the higher limit, the \$2,000,000 limit shall be decreased to \$1,000,000 with a maximum deductible or SIR of \$150,000, when:

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT:	Insurance Requirements		POLICY D-3
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- a. The public improvements portion of a subdivision project is less than \$50,000; or
 - b. A construction project (in accordance with the Standard Specifications for Public Works Construction—and the Standard Special Provisions, the “Green Book”) is for less than \$50,000.
2. Except as otherwise provided in this policy, a combined single limit policy with aggregate limits in the amount of \$2 million for all others, including, but not limited to, athletic leagues, recreation groups, towing companies and public service agencies; for policies not having a “combined single limit,” minimum limits in amounts as follows:
- Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
3. A combined single limit policy with aggregate limits in the amount of \$250,000 for homeowners insurance or \$500,000 for commercial general liability insurance for small business owners, in either event only where the insurance is required for work in the public right-of-way. “Small business owners” are defined as commercial businesses, or a professional or administrative office uses, where the owners of the business work on-site as their primary calling or vocation, and having no more than two (2) employees not related by blood or marriage.
 4. Selected high-risk activities that would otherwise fall under the criteria for category 2 shall be evaluated by staff on a case-by-case basis to determine whether or not the above limits are sufficient. The imposition of liability limits exceeding \$2 million for such high-risk activities is appealable to the City Council.
 5. \$1,000,000 for taxicab companies.
 6. \$500,000 or actual value, whichever is greater, for “valuable papers” and “in transit” insurance where City records or personal property is being transported or stored outside of City property.

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CITY COUNCIL POLICY**

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7. Exceptions to the above limits may be made for non-profit, charitable, political, community and religious organizations.
8. The policy or policies of insurance may be for all operations or activities of the party purchasing the policy or policies provided, however, that the City or the Successor Agency may require a separate policy exclusively for operations of the purchaser where the City Manager, in his or her sole discretion, determines that a single policy would be inadequate to protect the City or Successor Agency in the event of multiple catastrophes.
9. Workers' compensation insurance shall meet the minimum limits required by law.

INSURANCE STANDARDS

1. ADMITTED CARRIER / BEST'S RATING A, CLASS VII
 - a. Insurers must be "admitted" carriers pursuant to the provisions of the California Insurance Code and in accordance with all requirements of the State Insurance Commission and must be listed in the:

"OFFICIAL PUBLICATION
DEPARTMENT OF INSURANCE
STATE OF CALIFORNIA
45 Fremont Street
San Francisco, California 94105

INSURANCE ORGANIZATIONS AUTHORIZED BY THE INSURANCE
COMMISSION TO TRANSACT BUSINESS OF INSURANCE
IN THE STATE OF CALIFORNIA DURING
[the most recent year for which
the publication is available]."

or

"California Department of Insurance Company Profile."

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b. Insurers must have a Best’s rating of A, Class VII or higher (this rating includes those insurers with a minimum policyholder’s surplus of \$50 to \$100 million). Exceptions to the Best’s rating may be considered when an insurance carrier meets all other standards and can satisfy surplus amounts equivalent to a A, Class VII rating. An exception to the rating requirement may be made for the California State Compensation Insurance Fund if not rated.

2. NON-ADMITTED CARRIER / BEST’S RATING A, Class XII

Exceptions to the “admitted” requirement may be considered when a non-admitted insurance carrier meets all other standards herein and:

a. is either (i) listed in:

California Department of Insurance
List of Approved Surplus Line Insurers

LISTING OF FILINGS

or (ii) is currently a party to co-operation agreements with foreign insurance regulatory authorities acceptable to the City Manager or City Attorney (for example, for insurers located in the United Kingdom, agreements must be with both the Prudential Regulatory Authority (“PRA”) and the Financial Conduct Authority (“FCA”), or such successor authority or authorities of PRA and FCA;

b. either the carrier or its parent company has a Best’s rating of A, Class VII (this rating include those insurers with a minimum policyholder’s surplus of \$50 to \$100 million ;

c. has ten years or more experience in the business of insurance; and

d. if applicable, the reinsurance carrier has a qualified rating.

3. GENERAL – INSURANCE CERTIFICATES / ADDITIONAL INSURED

All insurers (including those insuring against pollution or discharges of hazardous materials) must provide certificates of insurance and endorsements evidencing coverage prior to the start of any contract. All certificates or endorsements must include:

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CITY COUNCIL POLICY**

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- Name of insurance company issuing each policy.
All insurers must provide an original endorsement naming the City of El Cajon (and/or the Successor Agency to the El Cajon Redevelopment Agency), and its (their) elected and appointed officials, officers, employees and volunteers (for purposes of this Policy, individually and collectively, the “City Insureds”) as additional insureds. This inclusion as additional insureds shall not be required of Workers’ Compensation or professional liability policies of insurance, and may be waived for “valuable papers” coverage with the approval of the City Attorney.
- All insurers must provide an original endorsement stating that the insurance coverage shall be primary insurance as respects the City of El Cajon (and/or the Successor Agency to the El Cajon Redevelopment Agency), and its (their) elected and appointed officials, officers, employees and volunteers (for purposes of this Policy, individually and collectively, the “City Insureds. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor’s insurance and shall not contribute with it.
- Waiver of Subrogation endorsement is required on Workers’ Compensation Coverage.
- Address of named insured.
- Description of coverage, including any special coverage required by the contract.
- Policy numbers.
- Policy periods (If claims made basis, must include retroactive date and length of time allowed as extended reporting period).
- Coverage type (occurrence form vs. claims made).
- Authorized signature and date of issuance. An original signature is required: a digital signature is acceptable so long as it complies with the requirements of Government Code §16.5.
- Unless approved by the City Manager or designee, no certificate shall be accepted that qualifies the obligation of the carrier to provide 30 days written notice of cancellation of the policy. With the approval of the City Attorney the obligation to provide notice of cancellation may be reduced to ten (10) days, but only for termination due to the non-payment of any premium.

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4. PUBLIC WORKS PROJECTS

In addition to the standards set forth above, insurance policies for public works projects must also meet the following insurance requirements set out in the most recent edition of the Green Book adopted by the City Council:

- a. All insurance certificates shall bear an endorsement or shall have attached a rider whereby it is provided that, in the event of expiration or proposed cancellation of such policy for any reason whatsoever, the City shall be notified by certified mail, return receipt requested, giving a sufficient time before the date thereof to comply with any applicable law or statute, but in no event less than thirty (30) days before expiration or cancellation is effective, the provisions of section 3 herein notwithstanding; and
- b. Compliance with Labor Code §§3700 and 3800 relating to Worker’s Compensation.
- c. Requirements of the Green Book shall prevail.

5. PUBLIC RIGHT-OF-WAY

An applicant for permit(s) to do work within the public right-of-way may establish satisfactory proof of liability insurance in the following manner:

a. CONTRACTORS

Contractors must furnish the City with a certificate of liability insurance, which meets the requirements set forth above and any other City requirements contained in this policy.

b. HOMEOWNERS / PROPERTY OWNERS

Homeowners/Property owners requesting a permit to do work within City rights-of-way or easements immediately adjacent to their respective owned or occupied property, solely for the owner’s personal benefit, shall be required to furnish the City with a copy of their homeowner’s/property owner’s liability insurance policy, which meets the requirements set forth above, with the minimum limits described in category 3 under the heading “**POLICY**,” above. The policy must be effective during the entire period of the proposed work, plus two (2) calendar years, and must provide coverage for claims arising from the work performed, or improvements

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owned, by the homeowner in the right-of-way or easement. If the encroachment is ongoing, annual proof of insurance shall be required. The requirement to name the City as an additional insured, and the requirement for a policy for two (2) additional calendar years, may each be waived by the City Council or the City Manager (or her designee) in cases of extreme hardship, in their discretion.

c. **POLLUTION EXCLUSION**

Applications for the installation of monitoring wells for the evaluation of groundwater pollution or for the discharge of formerly polluted groundwater into the City sewer system must be accompanied by a certificate of liability insurance provided by the property owner. Such liability insurance may not contain a pollution exclusion clause and must explicitly indemnify the City against all hazards which may result from either of these activities, including a worsening of pollution, either within the subsurface adjacent to the original pollution or within the City sewer system.

If the property owner is unable to provide insurance which addresses both general liability and pollution liability, the environmental company or other appropriately qualified entity contracting with the property owner for either monitoring well installation or groundwater pollution remediation, may furnish pollution liability insurance on behalf of the property owner.

Any insurance approved under this subsection c. shall be an occurrence policy, and shall otherwise comply with the provisions of this Policy.

d. **PUBLIC UTILITIES**

This policy as it relates to work in the public rights-of-way shall not be applicable to Cable TV, Helix Water District, Padre Dam Municipal Water District, SBC, San Diego Gas & Electric, or any other public utility.

e. **TRANSPORTATION / OVERSIZE LOADS – PERMITS – See Chapter 10.24 of the El Cajon Municipal Code.**

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CITY COUNCIL POLICY**

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TIME LIMITS / CANCELLATION PROVISIONS

All liability insurance required pursuant to this policy shall provide coverage for a sufficient time period to protect the City from liability. The insurer is required to provide a minimum of thirty (30) days-notice of cancellation of any policy. With the approval of the City Attorney (except as provided in section 4, herein) this obligation may be reduced to not less than ten (10) days written notice, but only for termination due to the non-payment of any premium. In no event shall a policy be accepted which terminates prior to the completion of the activity to be covered.

In certain circumstances, it may be impracticable to obtain continuing insurance coverage due to the duration of the activity or the cost of premature renewal. Under such circumstances, an exception to the coverage period may be made so long as the policy is renewed or replaced with an acceptable insurance carrier and there is no lapse in coverage. Maintenance of proper insurance coverage is a material term of any contract with the City and failure to maintain or renew coverage or to provide evidence of renewal may be treated as a material breach of contract.

ALTERNATIVE RISK MANAGEMENT PRACTICES; SELF-INSURANCE; RISK-POOLING

Alternative risk management practices, such as self-insurance, risk pooling, risk retention groups, and other such programs, will be accepted in lieu of commercial insurance policies provided that the coverage meets the requirements of this Policy. Any such alternative risk management practices must meet the financial strength and surplus requirements reflected by the Best's Ratings required of commercial insurance under this Policy.

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: Insurance Requirements

POLICY
D-3

REFERENCE: Adopted 7/26/94, Amended 11/29/05,
Amended 4/14/15, Amended 1/12/21

EFFECTIVE
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**Article I.
General Insurance Requirements**

All individuals, contractors, agencies, and organizations conducting business either for the City of El Cajon or pursuant to an ordinance, resolution, agreement or policy requiring the maintenance of liability insurance shall provide proof of liability insurance in compliance with this policy.

Contractors shall procure and maintain insurance for the duration of the contract insuring against claims for injuries to persons or damages to property that may arise from or in connections with performance of the work and results of that work by the contractor, agents, representatives, employees or subcontractors. Maintenance of proper insurance coverage is a material term of any contract with the City and failure to maintain or renew coverage or to provide evidence of renewal may be treated as a material breach of contract.

MINIMUM SCOPE OF INSURANCE

Except as otherwise required by Articles II or III of this policy, the following minimum amounts of insurance are required:

Commercial General Liability (CGL): Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 05 09 or 25 04 05 09) or the general aggregate limit shall be twice the required occurrence limit.

Workers' Compensation: as required by the State of California, Statutory Limits.

OTHER INSURANCE PROVISIONS

Additional Insured Status

The City of El Cajon, and its elected and appointed officials, officers, employees and volunteers are to be covered as additionally insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. If the contract involves the El Cajon Housing Authority, the additional insured endorsement shall include both the City and the Housing Authority, with appropriate modifications to pronouns. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance. Acceptable endorsements must be as broad as the most recent version(s) of ISO Form(s):

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CITY COUNCIL POLICY**

SUBJECT: Insurance Requirements (Policy D-3)

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- CG 20 10 (ongoing operations)

and/or

- CG 20 37 (completed operations) or Form CG 20 10 11 85 (ongoing and completed operations)

Additional Insured endorsements are not required for workers' compensation and professional liability policies.

Primary Coverage

For any claims related to contracts, the Contractor's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects to the City of El Cajon, and its elected and appointed officials, officers, employees and volunteers. Any insurance or self-insurance maintained by the City, its elected and appointed officials, officers, employees and volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required shall provide that **coverage shall not be canceled, except with not less than 10 days' written notice to the City of El Cajon.**

Workers' Compensation Waiver of Subrogation

Contractor shall grant to the City of El Cajon a waiver of any right to subrogation which any insurer of said contractor may acquire against the City by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Self-Insured Retentions

Self-insured retentions must be declared to and approved by the City of El Cajon. The City may require the contractor to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Claims-Made Policies

If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.

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CITY COUNCIL POLICY**

SUBJECT: Insurance Requirements (Policy D-3)

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Admitted Carrier:

Insurance is to be placed with insurers authorized to conduct business in the State of California with a current **AM Best** rating of no less than **A-VII**, unless otherwise acceptable to the City.

Non-Admitted Carriers:

Exceptions to the “admitted” requirement may be considered when a non-admitted insurance carrier meets all other standards herein and:

1. Is listed on the current California Department of Insurance Lists of Approved Surplus Line Insurers (LASLI),

or
2. Is a party to a co-operation agreement with foreign insurance regulatory authorities acceptable to the City Manager or City Attorney (e.g. Lloyds of London);
 - a. Either the carrier or its parent company has an AM Best’s rating of A-, Class XII;
 - b. Has ten years or more experience in the business of insurance; and,
 - c. If applicable, the reinsurance carrier has a qualified rating.

An exception to the rating requirement may be made for the California State Compensation Insurance Fund.

VERIFICATION OF COVERAGE

Contractor shall furnish the City of El Cajon with certificates and amendatory endorsements or copies of the applicable policy language affecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to work beginning shall not waive the Contractor’s responsibility to insure against City losses under the contract nor their obligation to provide the documents. The City reserves the right to require and approve complete copies of all required insurance policies, including certificates and endorsements required by these specifications, at any time.

SPECIAL RISKS OR CIRCUMSTANCES

The City of El Cajon reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. The City may also require other policies (e.g. Automobile, Professional Liability (Errors and Omissions), Builder’s Risk, and Garage Keepers).

ALTERNATIVE RISK MANAGEMENT PRACTICES

Alternative risk management practices, such as self-insurance, risk pooling, risk retention groups, and other such programs, may be accepted in lieu of commercial insurance policies provided that the coverage meets the requirements of this Policy. Any such alternative risk management practices must meet the financial strength and surplus requirements reflected by the AM Best’s Ratings required of commercial insurance under this Policy.

**CITY OF EL CAJON
CITY COUNCIL POLICY**

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Article II.
Public Right-of-Way Insurance Requirements

MINIMUM SCOPE OF INSURANCE

An applicant for permit(s) to do work within the public right-of-way may establish satisfactory proof of liability insurance in the following manner:

1. ***Contractors***

Contractors must furnish the City with a certificate of liability insurance, which meets the requirements set forth in Article I, above, and any other City requirements contained in this policy.

2. ***Property or Homeowners***

Homeowners/Property owners requesting a permit to do work within the City rights-of-way or easements immediately adjacent to their respective owned or occupied property, solely for the owner's personal benefit, shall be required to furnish the City with a copy of their homeowner's/property owner's liability insurance policy, which meets the requirements set forth in Article I, above, but with the minimum limits described in subsection (3) below. The policy must be effective during the entire period of the proposed work, plus two calendar years, and must provide coverage for claims arising from the work performed, or improvements owned, by the homeowner in the right-of-way or easement. If the encroachment is ongoing, annual proof of insurance shall be required. The requirements to name the City as an additional insured, and the requirement for a policy for two additional calendar years, may each be waived by the City Council or the City Manager or designee in cases of extreme hardship, in their discretion.

3. ***Property Owner / Small Business Limits***

A combined single limit policy with aggregate limits in the amount of **\$250,000** for homeowners insurance or **\$500,000** for commercial general liability insurance for small businesses owners (two or fewer employees), in either event only where the insurance is required for work in the public right-of-way.

POLLUTION EXCLUSION

Applications for the installation of monitoring wells for the evaluation of groundwater pollution or for the discharge of formerly polluted groundwater into the City sewer system must be accompanied by a certificate of liability insurance provided by the property owner. Such liability insurance may not contain a pollution exclusion clause and must explicitly indemnify the City against all hazards which may result from either of these activities, including a worsening of pollution, either within the subsurface adjacent to the original pollution or within the City sewer system.

If the property owner is unable to provide insurance which addresses both general liability and pollution liability, the environmental company or other appropriately qualified entity contracting with the property

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owner for either monitoring well installation or groundwater pollution remediation, may furnish pollution liability insurance on behalf of the property owner.

Any insurance approved under this subsection shall be an occurrence policy, and shall otherwise comply with the provisions of this Policy.

PUBLIC UTILITIES

This policy as it relates to work in the public right-of-way shall not be applicable to Cable TV, Helix Water District, Padre Dam Municipal Water Authority, San Diego Gas & Electric, or any other public utility.

TRANSPORTATION/OVERSIZED LOADS – PERMITS

See Chapter 10.24 of the El Cajon Municipal Code.

**Article III.
Construction Contracts Insurance Requirements**

In addition to the standards set forth in Article I, above, insurance policies for public works projects must also meet insurance requirements set out in the most recent edition of the Standard Specifications for Public Works Projects (the “Greenbook”) adopted by the City Council. Requirements of the Greenbook shall prevail.

Contractors must also comply with Labor Code § 3700 and § 3800.

MINIMUM SCOPE OF INSURANCE

Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence and aggregate limits in the amount of \$2,000,000. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 05 09 or 25 04 05 09) or the general aggregate limit shall be twice the required occurrence limit.



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Dave Richards, Senior Management Analyst
SUBJECT: Workers' Compensation Settlement Authority and Mandatory Reporting

RECOMMENDATION:

That the City Council:

1. Approves amendment to City Council Policy A-5, *Claims Against the City for Damage to Person or Property*, establishing settlement authority for workers' compensation claims; and
2. Adopts the next Resolution, in order, designating the City Manager as the Authorized Representative for mandatory reporting requirements pertaining to workers' compensation settlements.

BACKGROUND:

For the past 20 years, the City has participated in a Primary Workers' Compensation program through its insurer, PRISM. The primary program provided first-dollar coverage on all claim expenses including workers' compensation settlements.

In July 2019, with Primary Workers' Compensation Program premiums continuously rising year-over-year, the City elected to self-insure up to its excess insurance limits of \$125,000. Up to this point, the City's insurer authorized and paid all settlements directly.

With the transition to self-insured, staff proposes establishing the City's settlement authority for workers' compensation claims by amending Council Policy A-5, *Claims against the City for Damage to Person or Property*. The proposed amendment establishes the following settlement authority:

- **Third-Party Administrator:** Up to \$2,500
- **City Manager or Designee:** From \$2,500 to \$50,000
- **City Council:** Over \$50,000
- **City Council and Insurance Carrier:** Over \$125,000

In addition, staff proposes designating the City Manager as the City's Authorized Representative for mandatory reporting purposes. In 2007, Section 111 of the Medicare, Medicaid, and SCHIP Extension Act (MMSEA) established reporting requirements for self-insured agencies. These requirements relate to workers' compensation benefits such as awards and settlements that may impact Medicare and Medicaid recipients. The City is required to recertify annually as a Responsible Reporting Entity (RRE).

Section 111 defines the Authorized Representative who must sign and submit the RRE recertification as the “person who has the legal authority to bind the organization to a contract.” As such, the Mayor is currently designated as the Authorized Representative. Staff recommends that the City Manager, through Resolution, be designated as the Authorized Representative for mandatory reporting purposes.

FISCAL IMPACT:

There is no fiscal impact related to this policy update.

Prepared By: David Richards, Senior Management Analyst

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

City Council Policy A-5 Revised (Clean)

City Council Policy A-5 Revised (Redlined))

RESOLUTION NO. __-20

RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EL CAJON DESIGNATING THE
CITY MANAGER AS AUTHORIZED REPRESENTATIVE
FOR WORKERS' COMPENSATION CLAIMS ADJUSTMENT
AND MANDATORY REPORTING PURPOSES

WHEREAS, in July of 2019, in an effort to save costs and expenses for its workers' compensation program and liabilities, the City elected to self-insure up to its excess insurance limits of \$125,000; and

WHEREAS, with the transition from commercial insurance, with "first dollar" coverage, to self-insured up to the first \$125,000, it would be appropriate and efficient for claims to be adjusted by City staff with the assistance of a third-party administrator, up to specified limits; and

WHEREAS, in 2007, Section 111 of the Medicare, Medicaid, and SCHIP Extension Act ("MMSEA") established reporting requirements for self-insured agencies that relate to workers' compensation benefits such as awards and settlements that may impact Medicare and Medicaid recipients, and the City is required to recertify annually as a Responsible Reporting Entity ("RRE"); and

WHEREAS, Section 111 defines the Authorized Representative who must sign and submit the RRE recertification as the "person who has the legal authority to bind the organization to a contract"; and

WHEREAS, the Mayor is currently designated as the Authorized Representative; however, it has been recommended that designation of the City Manager will provide more efficiency and timeliness in handling the mandatory reporting requirements under the MMSEA; and

WHEREAS, the City Council finds it in the City's best interest approve amendment of City Council Policy A-5 to establish settlement authority for workers' compensation claims at varying levels of liability, and to designate the City Manager as the City's Authorized Representative for mandatory reporting requirements to RRE under the MMSEA.

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

1. The City Council does hereby approves establishment of the City's settlement authority for workers' compensation claims by amending Council Policy A-5, *Claims against the City for Damage to Person or Property* to include: 1) **Third-Party Administrator:** Up to \$2,500; 2) **City Manager or Designee:** From \$2,500 to \$50,000; 3) **City Council:** Over \$50,000; and 4) **City Council and Insurance Carrier:** Over \$125,000.

2. The City Council does hereby approve the amendment of City Council Policy A-5 consistent with the recitals, above, to read in the form attached hereto. The amended City Council Policy A-5 shall become immediately effective.

3. The City Council hereby designates the City Manager as the City's Authorized Representative for mandatory reporting requirements with regards to workers' compensation settlements.

4. The City Clerk is hereby authorized and directed to forward a certified copy of this resolution to such persons and entities requiring proof of those authorizations provided in this resolution and as set forth in City Council Policy A-5.

01/12/21 CC Agenda
Reso – Designating CM for WC Reporting Rqmts 122120

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: Claims Against the City for Damage to Person or Property; Workers' Compensation Claims	POLICY A-5	
REFERENCE: Resolution No. 198-74, Adopted 5/21/74; Resolution No. 42-83, Adopted 2/8/83; Amended 5/12/09; Amended 1/21/21	EFFECTIVE 1/12/21	PAGE 1 of 2

BACKGROUND:

Certain legal procedures must be followed regarding the filing of claims against the City. The City Council has designated the City Manager to handle claims in accordance with Resolution 198-74. A standard claim form has been devised and should be filled out by anyone desiring to file a claim against the City. Anyone seeking information about claims procedures or desiring to file a claim should be referred to the City Manager's Office.

POLICY:

Filing the Claim

Standard claim forms are available in the City Manager's office and will be provided to the claimant. The claim must be filed with the City Clerk, either in person at the City Clerk's office in City Hall or by mail addressed to the City Clerk, 200 Civic Center Way, El Cajon, CA 92020.

The City Clerk shall accept the claim and date stamp it. Three photo copies of the claim shall be prepared. One copy shall be forwarded to the City Attorney, the original and one copy shall be forwarded to the City Manager, and one copy shall be retained by the City Clerk's office.

Procedure for Processing Claims

1. The City Manager or designee is authorized to process all claims at his/her discretion with authority to settle claims in an amount less than \$10,000.
2. Denial of claims by the City Manager or designee shall be made by letter, the form of which shall be approved by the City Attorney.
3. All claims which require payment of more than \$10,000 shall be approved by the City Council.

Settlement of Workers' Compensation Claims

City staff, in conjunction with the City's third-party administrator, may choose to settle a Workers' Compensation claim as a means to reduce overall liability and manage insurance premiums. Claims can be settled in one of two ways:

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: Insurance Requirements (Policy D-3)

PAGE
2 of 2

1. ***Stipulation:*** A Stipulation Award settles the *Permanent Disability* portion of the claim. The claim may also include periods of *Temporary Disability* not previously compensated to the employee. The Stipulation leaves access to future medical care open to the employee.
2. ***Compromise and Release (“C&R”):*** A Compromise and Release settles *Future Medical, Permanent Disability*, and unpaid *Temporary Disability* balances. If the employee is Medicare eligible, then a Medicare Set-Aside (“MSA”) document is completed and that total is considered as part of the overall settlement. If the injured worker is receiving Social Security Insurance and the overall settlement is greater than \$25,000, then the Center for Medicaid Services must approve the MSA.

Workers’ Compensation Claim Settlement Authority

1. The City’s third-party administrator shall have authority to settle claims in an amount up to \$2,500.
2. The City Manager or designee is authorized to settle claims in an amount not less than \$2,500 and not more than \$50,000.
3. All claims which require payment of more than \$50,000 shall be approved by the City Council.
4. All claims in excess of \$125,000, or the City’s Self-Insured Retention (“SIR”), whichever amount is greater, shall first be approved by the City Council and must also be approved by the City’s insurance carrier.

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT:
CLAIMS AGAINST THE CITY FOR DAMAGE TO PERSON OR PROPERTY;
WORKERS' COMPENSATION CLAIMS

POLICY
A-5

REFERENCE: RESOLUTION 198-74; RESOLUTION 42-83;
ADOPTED 5/21/75; REVISED 2/8/83; REVISED 5/12/09

EFFECTIVE
5/12/09/12/202
1

PAGE
1 of 2

BACKGROUND:

Certain legal procedures must be followed regarding the filing of claims against the City. The City Council has designated the City Manager to handle claims in accordance with Resolution 198-74. A standard claim form has been devised and should be filled out by anyone desiring to file a claim against the City. Anyone seeking information about claims procedures or desiring to file a claim should be referred to the City Manager's Office.

POLICY:

Filing the Claim

Standard claim forms are available in the City Manager's office and will be provided to the claimant. The claim must be filed with the City Clerk, either in person at the City Clerk's office in City Hall or by mail addressed to the City Clerk, 200 Civic Center Way, El Cajon, CA 92020.

The City Clerk shall accept the claim and date stamp it. Three photo copies of the claim shall be prepared. One copy shall be forwarded to the City Attorney, the original and one copy shall be forwarded to the City Manager and one copy shall be retained by the City Clerk's office.

Procedure for Processing Claims

1. The City Manager or designee is authorized to process all claims at his/her discretion with authority to settle claims in an amount less than \$10,000.
2. Denial of claims by the City Manager or designee shall be made by letter, the form of which shall be approved by the City Attorney.
3. All claims which require payment of more than \$10,000 shall be approved by the City Council.

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT:

CLAIMS AGAINST THE CITY FOR DAMAGE TO PERSON OR PROPERTY;
WORKERS' COMPENSATION CLAIMS

PAGE
2 of 2

Settlement of Workers' Compensation Claims

City staff, in conjunction with the City's third-party administrator, may choose to settle a Workers' Compensation claim as a means to reduce overall liability and manage insurance premiums. Claims can be settled in one of two ways:

1. **Stipulation:** A Stipulation Award settles the *Permanent Disability* portion of the claim. The claim may also include periods of *Temporary Disability* not previously compensated to the employee. The Stipulation leaves access to future medical care open to the employee.

2. **Compromise and Release ("C&R"):** A Compromise and Release settles *Future Medical, Permanent Disability*, and unpaid *Temporary Disability* balances. If the employee is Medicare eligible then a Medicare Set-Aside ("MSA") document is completed and that total is considered as part of the overall settlement. If the injured worker is receiving Social Security Insurance and the overall settlement is greater than \$25,000 then the Center for Medicaid Services must approve the MSA.

Workers' Compensation Claim Settlement Authority

1. The City's third-party administrator shall have authority to settle claims in an amount up to \$2,500.

2. The City Manager or designee is authorized to settle claims in an amount not less than \$2,500 and not more than \$50,000.

3. All claims which require payment of more than \$50,000 shall be approved by the City Council.

4. All claims in excess of \$125,000, or the City's Self-Insured Retention ("SIR"), **whichever amount is greater**, shall first be approved by the City Council and must also be approved by the City's insurance carrier.



City Council
Agenda Report

Agenda Item 8.

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Nahid Razi, Purchasing Agent
SUBJECT: Contract Amendment for Safety and Environmental Justice General Plan Amendment

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to increase the Agreement for Professional Services with Dudek in the not-to-exceed amount of \$72,460.

BACKGROUND:

On February 25, 2020, the City Council awarded RFP No. 018-20 – Safety and Environmental Justice General Plan Amendment to Dudek in the amount of \$104,640.

The primary focus of this contract is to comply with legislatively mandated updates to the Safety Element and to adopt the required Environmental Justice Element. Due to the supplemental public outreach and environmental services required, staff is requesting an amendment to increase the contract by \$72,460.

This increase will be funded by the State of California Department of Housing and Community Development Planning Grants Program in accordance with the Senate Bill 2 (SB2) Housing Plan.

FISCAL IMPACT:

Approval of the \$72,460 increase will supplement the existing contract, for a total amount of \$177,100. Sufficient funds are available for this service in FY2020-21 Annual Budget: Community Development Miscellaneous Grants Fund (265900).

Prepared By: Nahid Razi, Purchasing Agent

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ___-21

A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF EL CAJON
APPROVING AN AMENDMENT TO THE
AGREEMENT FOR PROFESSIONAL SERVICES WITH
DUDEK FOR SAFETY AND ENVIRONMENTAL JUSTICE
GENERAL PLAN AMENDMENT
(RFP No. 018-20)

WHEREAS, on February 25, 2020, the City Council of the City of El Cajon (the "City") awarded RFP No. 018-20 – Safety and Environmental Justice General Plan Amendment to Dudek in the amount of \$104,640 and entered into an Agreement for Professional Services (the "Agreement"); and

WEHREAS, the primary focus of the Agreement is to comply with legislatively mandated updates to the Safety Element and to adopt the required Environmental Justice Element; and

WHEREAS, due to the supplemental public outreach and environmental services required, City staff recommends approval of an amendment to increase the Agreement compensation amount by \$72,460; and

WHEREAS, this increase will be funded by the State of California Department of Housing and Community Development Planning Grants Program in accordance with the Senate Bill 2 (SB2) Housing Plan; and

WHEREAS, approval of the increase will supplement the existing Agreement, for a total compensation amount of \$177,100, and sufficient funds are available for this service in FY2020-21 Annual Budget: Community Development Miscellaneous Grants Fund (265900); and

WHEREAS, the City Council believes it to be in the City's best interests to approve amendment of the Agreement to increase compensation by \$72,460, resulting in a not-to-exceed amount of \$177,100.

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 amendment of the Agreement with Dudek to increase compensation in the amount of \$72,460, for a total not-to-exceed amount of \$177,100.

3. The City Council hereby authorizes the City Manager, or such person as is designated by the City Manager, to execute an amendment to the Agreement on behalf of the City of El Cajon, with such changes as may be approved by the City Manager.

01/12/21 CC Agenda

Reso - Approve Amendment of Dudek Agmt (Safety & Env Justice GP Amendment) 122220



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Nahid Razi, Purchasing Agent
SUBJECT: Disposal of Retired Property

RECOMMENDATION:

That the City Council declares the listed property retired and authorizes disposal in accordance with policy.

BACKGROUND:

In accordance with Municipal Code 3.16.090, departments shall submit to the purchasing agent reports showing supplies and equipment that are no longer used or have become obsolete or worn out.

The attached items are recommended for disposal as City retired equipment as they have become unsuitable for City use. Auctionable items will be offered by Fischer Auction Company at their regularly scheduled online auction (<http://www.facauctions.com>).

Obsolete computer equipment shall be donated to the non-profit charitable organization: San Diego Futures Foundation. Equipment which can be salvaged is repaired/refurbished and donated back to non-profit organizations in the community. Equipment which cannot be reused is recycled, generating money for their educational programs. Local programs that have benefited in the past from San Diego Futures Foundation donations include the McAlister Institute, Cajon Valley School District, Grossmont High School, and El Cajon Youth Football and Cheer.

The City of El Cajon's IT Department shall erase all sensitive data from computer hard drives prior to disposal.

FISCAL IMPACT:

There is a one-time revenue resulting from the sale of auctioned items. Funds will be deposited back to the original funding source used to purchase the equipment.

Prepared By: Nahid Razi, Purchasing Agent

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

Attachments

List of Retired Property

Retired Property List
City Council Meeting: January 12, 2021

Equipment for Auction

Quantity	Description
1	Printer
7	Video Monitor
8	Video Camera
5	Video Camera Power Supply
1	Video Hub
1	Video Controller
1	Scan Converter

Equipment for Donation

Quantity	Description
44	Desktop Computer
3	Laptop
3	Printer
1	TV
	Misc. Computer Equipment: Keyboards, Monitors, Mice, etc.



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Jamie Van Ravesteyn, Housing Manager
SUBJECT: Approval of the Disposition of Property located at 1034 N. Magnolia Avenue and Second Amendment to FY 2020-21 One-Year Action Plan to Re-Allocate CDBG Funds for Wells Park.

RECOMMENDATION:

Staff recommends that the City Council:

1. Opens the public hearing and accepts public testimony for the disposition of property located at 1034 N. Magnolia Avenue, and the 2nd Amendment to the FY 2020-21 One-Year Action Plan;
2. Closes the public hearing; and
3. Adopts the next Resolution, in order, Amending the FY 2020-21 One-Year Action Plan to:
 - a. Approve the sale of property at 1034 N. Magnolia Avenue and authorize the City Manager, or designee, to execute all documents and agreements necessary for the sale of the property;
 - b. Appropriate up to \$75,000 in General funds for seller's costs in the transaction;
 - c. Authorize receipt of proceeds from the sale as Community Development Block Grant (CDBG) program income;
 - d. Re-allocate and appropriate \$550,000 in CDBG program income funds to the Wells Park Improvement project; and
 - e. Make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

BACKGROUND:

This public hearing provides El Cajon citizens with the opportunity to comment on the proposed disposition and change of use of the property located at 1034 N. Magnolia, which was originally acquired and improved with CDBG funds, and the proposed Second Amendment to the FY 2020-21 One-Year Action Plan. This action also reflects the City Council's objectives regarding the sale of the property and its intentions and commitment regarding the re-allocation of a portion of the sales proceeds to the Wells Park Improvements project currently underway.

The property at 1034 N. Magnolia Avenue was purchased with CDBG funds in 1994, and was leased to Crisis House for the provision of services for homeless persons and victims of domestic violence since that time. The lease with Crisis House was extended several times, with the most recent expiration date set for July 2021. Given the age and condition of the building, the City Council determined it would be in the best interest of the City to sell the property for economic development benefit and to change the use of the property to a

non-CDBG-eligible purpose. In April 2020, the City gave notice to Crisis House that the lease would not be renewed.

In June 2020, the City Council authorized negotiation of an early Lease Termination Agreement with Crisis House, which included a financial incentive to vacate the property within specified timeframes. The Lease Termination Agreement was amended in July 2020 to provide Crisis House with additional time to find a suitable property. In September 2020, Crisis House entered into escrow for a new property from which to conduct CDBG-eligible services, located at 9550 N. Cuyamaca Street in the City of Santee.

On November 10, 2020, following a noticed public hearing, the City Council approved an allocation of \$700,000 of CDBG funds to be used toward the acquisition of the property in Santee for Crisis House. CDBG funds were re-allocated to fund this activity as follows:

- \$550,000 in CDBG funds previously allocated to the Wells Park project were temporarily re-allocated for this purpose. The re-allocated funding is intended to be restored once the sale of 1034 N. Magnolia Avenue is completed.
- \$150,000 in unallocated CDBG funds were allocated to this project.

It is important to note that the CDBG regulations allow the City to dispose of and change the use of property acquired or improved with CDBG funds, if (after consultation with affected citizens) the City determines that it is appropriate to change the use to a use that does not meet a HUD national objective (i.e., does not benefit low/moderate-income residents), and the City's CDBG program is reimbursed in the amount of fair market value of the property. The supporting regulation (24 CFR § 570.505) is attached for reference.

The City received an offer to purchase the subject property in the amount of \$1,060,000, and staff has determined that the future use of the property does not meet a national objective. As outlined in HUD regulations, the CDBG program must receive the gross proceeds of the sale as program income, and other non-CDBG funds will be required to cover the seller's costs of sale. Staff recommends allocating up to \$75,000 in General funds to reimburse the CDBG program for costs of sale. Once the sale is completed, the use the property will no longer be subject to CDBG requirements.

A Notice of the Public Hearing and 30-Day Public Review and Comment Period was published in the Daily Gazette, and posted online and in multiple locations, on December 10 and 17, 2020, providing citizens with the opportunity to comment and to participate in the proposed 2nd amendment to the FY 2020-21 One-Year Action Plan. The draft 2nd Amendment to the One-Year Action Plan was also posted online on December 10, 2020. The notice and comment period, and draft 2nd Amendment, were provided in accordance with the provisions of the City's adopted Citizen Participation Plan. As of the date of publication of this Agenda Report, no comments have been received.

Staff recommends adopting the second amendment to the FY 2020-21 One-Year Action Plan re-allocating and appropriating the funding for the Wells Park project as outlined above. In addition, staff recommends allocating up to \$75,000 in General funds to reimburse the CDBG program for costs of sale as required by the regulations.

FISCAL IMPACT:

As outlined in the Federal regulations at 24 CFR §570.505 (attached), the City's CDBG program must receive the gross proceeds of the sale as program income because the future use of the property will not meet a national objective as defined by HUD (benefit low/moderate-income citizens). Therefore, other non-CDBG funds will be required to cover the seller's costs of sale. This action authorizes the receipt of CDBG program income in the amount of \$1,060,000; allocation and appropriation of CDBG funds for Wells Park in the total amount of \$550,000; and appropriation of up to \$75,000 in General funds to cover the Seller's costs of the sale.

Prepared By: Jamie van Ravesteyn, Housing Manager

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

24 CFR Section 570.505

Draft 2nd Amendment to FY 20-21 Action Plan

Public Hearing Notice

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON
APPROVING THE DISPOSITION OF PROPERTY LOCATED AT
1034 N. MAGNOLIA AVENUE, EL CAJON AND ADOPTING A
SECOND AMENDMENT TO THE
FY 2020-2021 ONE YEAR ACTION PLAN

WHEREAS, the City of El Cajon (the "City") receives Community Development Block Grant ("CDBG") entitlement grant funds from the U.S. Department of Housing and Urban Development ("HUD") annually; and

WHEREAS, the City Council has determined that it is in the best interest of the City to dispose of the property located at 1034 N. Magnolia Avenue, El Cajon (more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference) (the "Property"), previously acquired with CDBG grant funds, and to change the use of property to a use that no longer meets a national objective as defined by HUD, for the purposes of economic development of the property; and

WHEREAS, Miller Horn LLC (the "Buyer") has made an offer to purchase the Property for a purchase price of \$1,060,000 (the "Purchase Price"), and the City has accepted the Buyer's offer resulting in an escrow for transfer of title to the Property upon close of escrow; and

WHEREAS, after the payment of closing costs and expenses, including brokerage commissions, in the estimated amount of nearly \$59,000, the City of El Cajon expects to receive approximately \$1,01,000 in CDBG program income funds from the sale of property, and because the Buyer will not be using the Property for an eligible CDBG purpose, it is necessary for the City to appropriate up to \$75,000 in General funds to pay for the City's selling expenses, thereby resulting in a return of CDBG funds in the amount of the Purchase Price; and

WHEREAS, in order to close escrow and sell the Property to the Buyer, it is necessary for the City to authorize the completion of the transaction and to authorize a City representative to execute a grant deed and such other documents necessary and appropriate to accomplish the completion of the sale of the Property; and

WHEREAS, the City Council has considered and desires to re-allocate a portion of the program income received in the amount of \$550,000 to the Wells Park Improvements project which was previously approved and is currently underway, with the remaining funds to be held in the CDBG Unallocated Fund Balance until a new project is identified; and

WHEREAS, the City has made the proposed second amendment to the One Year Action Plan available for public review for a minimum 30-day period between December 10, 2020 and January 12, 2021; and

WHEREAS, the City met the requirements of HUD set forth at 24 CFR 91 and 24 CFR §570.505, and found the CDBG allocations presented in the second amendment to the FY 2020-21 One Year Action Plan to be consistent with goals and objectives of the Five Year Consolidated Plan and that reasonable benefits will accrue to the residents of the City of El Cajon.

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

1. The City Council hereby approves the sale of the Property located at 1034 North Magnolia Avenue, El Cajon, bearing APN 483-071-29 to Miller Horn LLC, or such assignee designated by the Buyer, in consideration of the amount of \$1,060,000, upon the successful close of escrow, less such amounts properly chargeable to the City for commissions, escrow fees, title costs, recording charges, and other miscellaneous charges. The City Manager, or such person designated by the City Manager, is hereby authorized to execute such deeds, instructions, agreements, and other documents necessary in order to transfer the Property to the Buyer, or its designee, to consummate the sale of the Property, all in such form and content as approved by the City Manager or the City Attorney. The City Clerk is further authorized to attest to the signatures of the City Manager or the City Manager’s designee.

2. The City Council of the City of El Cajon does hereby allocate/re-allocate CDBG funds for FY 2020-21 as follows:

Second Amendment to the FY 2020-21 One Year Action Plan			
City Project Number	Project	Program Income Received	Proposed New/Re-Allocation
N/A	Proceeds from the Sale of Property located at 1034 N. Magnolia Avenue, El Cajon	\$1,060,000	
C0922	Wells Park Comprehensive Improvements		\$550,000
CUNAL	CDBG Unallocated Funds Balance		\$510,000
Total CDBG Allocation			\$ 1,060,000

3. The City Manager or such person designated by the City Manager is hereby authorized to execute appropriate contracts and agreements for the use of the CDBG funds, consistent with City and federal policies and guidelines.

4. The City Manager or such person designated by the City Manager is hereby authorized to appropriate funds up to \$75,000 from the City Manager’s funds budgeted for economic development purposes.

5. The City Council hereby adopts the amended One Year Action Plan, with funding allocations as presented above, and authorizes the City Manager or designee to submit the One Year Action Plan, as amended, to HUD, and to make any necessary or

needed corrections or adjustments to allocations as outlined above, or as required by HUD, and to execute all affiliated documents.

01/12/21 CC Agenda

Reso – 2nd Amend FY20-21 One Year Action Plan to Re-Allocate CDBG Funds 010521

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF EL CAJON, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 13 OF MAGNOLIA RANCH TRACT, IN THE CITY OF EL CAJON, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP NO. 1674](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 29, 1915, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHERLY 35.00 FEET OF SAID LOT 13; THENCE ALONG THE SOUTHERLY LINE OF THE NORTHERLY 35.00 FEET OF SAID LOT 13, NORTH 89° 57' 39" EAST, 896.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID LOT 13, SOUTH 00° 03' 26" EAST, 207.50 FEET TO A POINT ON THE ARC OF A 360.00 FEET RADIUS CURVE, CONCAVE NORTHWESTERLY, A RADIAL LINE OF SAID CURVE BEARS SOUTH 40° 41' 27" EAST TO SAID POINT, BEING ALSO A POINT ON THE NORTHWESTERLY BOUNDARY OF THAT PORTION OF SAID LOT 13 AS CONVEYED TO THE CITY OF EL CAJON, FOR PUBLIC STREET PURPOSES, RECORDED SEPTEMBER 8, 1969 AS [INSTRUMENT NO. 1969-164767 OFFICIAL RECORDS](#); THENCE ALONG THE BOUNDARY OF SAID DEED AS FOLLOWS: SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE BEGINNING OF A COMPOUND 35.00 FEET RADIUS CURVE, CONCAVE SOUTHWESTERLY, SAID CURVE BEING ALSO TANGENT TO THE SOUTHERLY LINE OF THE NORTHERLY 35.00 FEET TO SAID LOT 13; THENCE NORTHEASTERLY NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE POINT OF TANGENCY IN THE SOUTHERLY LINE OF THE NORTHERLY 35.00 FEET OF SAID LOT 13; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89° 57' 39" WEST TO THE TRUE POINT OF BEGINNING.

[APN: 483-071-29-00](#)

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of December 31, 2020

Title 24 → Subtitle B → Chapter V → Subchapter C → Part 570 → Subpart J → §570.505

Title 24: Housing and Urban Development

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Subpart J—Grant Administration

§570.505 Use of real property.

The standards described in this section apply to real property within the recipient's control which was acquired or improved in whole or in part using CDBG funds in excess of \$25,000. These standards shall apply from the date CDBG funds are first spent for the property until five years after closeout of an entitlement recipient's participation in the entitlement CDBG program or, with respect to other recipients, until five years after the closeout of the grant from which the assistance to the property was provided.

(a) A recipient may not change the use or planned use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the recipient provides affected citizens with reasonable notice of, and opportunity to comment on, any proposed change, and either:

(1) The new use of such property qualifies as meeting one of the national objectives in §570.208 (formerly §570.901) and is not a building for the general conduct of government; or

(2) The requirements in paragraph (b) of this section are met.

(b) If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (a)(1) of this section, it may retain or dispose of the property for the changed use if the recipient's CDBG program is reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, and improvements to, the property.

(c) If the change of use occurs after closeout, the provisions governing income from the disposition of the real property in §570.504(b)(4) or (5), as applicable, shall apply to the use of funds reimbursed.

(d) Following the reimbursement of the CDBG program in accordance with paragraph (b) of this section, the property no longer will be subject to any CDBG requirements.

[53 FR 8058, Mar. 11, 1988, as amended at 53 FR 41331, Oct. 21, 1988]

CITY OF EL CAJON

Second Amendment to FY 2020-2021 ONE YEAR ACTION PLAN

The City is proposing an amendment to the FY 2020-2021 One Year Action Plan to re-allocate available CDBG Program Income funds totaling \$550,000 to the Wells Park Comprehensive Improvements project to restore funding previously allocated to it and to complete the project. CDBG funds totaling \$550,000 were temporarily re-allocated from the Wells Park Comprehensive Improvements project in a public hearing on November 10, 2020.

A public hearing will be held on **Tuesday, January 12, 2020 at 3:00 P.M. in the El Cajon Council Chambers at 200 Civic Center Way, El Cajon, CA 92020.** Please note that, pursuant to the Governor of 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 and participate via the City's website. Please visit <https://www.cityofelcajon.us/videostreaming> for more details.

The following activities are recommended by staff for funding:

Proposed CDBG Projects for FY 2020-2021:

Local Project No.	Agency Name Project Title Project Site Address (Brief description of project)	Type of project and project eligibility according to 24 CFR section as shown. Eligibility citations and type of allocation (loan/grant/CHDO set-aside funds).	Amount Recommended for Allocation
C0922	City of El Cajon Wells Park Comprehensive Improvements 1153 E. Madison Ave, El Cajon (Comprehensive Improvements to Park)	03F – Parks, Recreational Facilities 570.201(c) – Capital Expenditure Grant L/M Area – 24 CFR 570.208(a)(1)	\$550,000



CITY OF EL CAJON

NOTICE OF PUBLIC HEARING AND NOTICE OF 30-DAY PUBLIC REVIEW AND COMMENT PERIOD

DISPOSITION OF PROPERTY PREVIOUSLY ACQUIRED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; SECOND AMENDMENT TO FY 2020- 2021 ONE YEAR ACTION PLAN TO RE-ALLOCATE CDBG PROGRAM INCOME FUNDS

NOTICE IS HEREBY GIVEN that the El Cajon City Council will hold a public hearing on **Tuesday, January 12, 2021 at 3:00 P.M. in the El Cajon Council Chambers at 200 Civic Center Way, El Cajon, CA 92020**. The purpose of the public hearing is to provide El Cajon citizens with the opportunity to provide comment on the disposition of CDBG acquired property and the proposed change in use of the property at 1034 N. Magnolia Ave., from that which the acquisition was originally made, to a use not supported by the CDBG National Objective of benefit to low-moderate income persons. El Cajon citizens are also invited to participate in an amendment to the FY 2020-2021 One Year Action Plan to re-allocate and commit a portion of the CDBG Program Income funds received from the sale of the property to the Wells Park Comprehensive Improvements project, and the remaining funds will be held in the CDBG Unallocated Fund Balance until a new project is identified.

Please note that, pursuant to the Governor of 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 and participate via the City's website. Please visit <https://www.cityofelcajon.us/videostreaming> for more details.

The draft second amendment to the FY 2020-2021 One Year Action Plan is available for **public review and comment beginning December 10, 2020, for a minimum 30-day period**. The draft amendment may be reviewed at the City of El Cajon Lobby, located at 200 Civic Center Way, and on-line at <https://www.cityofelcajon.us/housing>. Comments should be mailed to the City of El Cajon Community Development Department – Housing, 200 Civic Center Way, El Cajon, CA 92020, or emailed to housing@cityofelcajon.us. Comments received during the public review period and at the public hearing will be incorporated into the final amendment to FY 2020-21 One-Year Action Plan that will be submitted to HUD.

The City of El Cajon is endeavoring to be in total compliance with the Americans with Disabilities Act. This material is available in alternate formats such as large print or computer disk for individuals with disabilities, and will also be made available in Spanish upon request. If you are a non-English speaking resident or a citizen with speech or hearing impairments, and wish to review the documents or comment at the Public Hearing or require any other form of assistance or auxiliary aids in order to participate at Public Hearings, please contact the City Clerk's Office at 619-441-1763, as far in advance of the meeting as possible.



City Council Agenda Report

Agenda Item 11.

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Jamie Van Ravesteyn, Housing Manager
SUBJECT: CDBG CARES Act - Second Amendment to FY 2019-20 One-Year Action Plan to Re-Allocate CDBG-CV Funds and to Allocate CDBG-CV3 Funds

RECOMMENDATION:

Staff recommends that the City Council:

1. Opens the public hearing and accepts public testimony;
2. Closes the public hearing; and
3. Adopts the next Resolution, in order, Amending the FY 2019-20 One-Year Action Plan to:
 - a. Amend the agreement with CSA San Diego County to reduce the allocation of CDBG-CV funding not to exceed \$80,000;
 - b. Re-allocate \$120,000 in CDBG-CV funds from CSA San Diego County to Home Start, Inc., for rental and utility assistance for families affected by the coronavirus;
 - c. Allocate and appropriate \$100,000 in CDBG-CV3 funds to Home Start, Inc., for continuation of the emergency motel stays/housing for homeless persons to prevent the spread of the coronavirus;
 - d. Allocate and appropriate \$100,000 in CDBG-CV3 funds to Home Start, Inc., for the provision of rent, mortgage and utility assistance program for the purpose of ensuring families remain housed to prevent the spread of the coronavirus; and
 - e. Authorize the City Manager, or designee, to make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

BACKGROUND:

This public hearing provides El Cajon citizens with the opportunity to comment on the proposed Second Amendment to the FY 2019-20 One-Year Action Plan related to CARES Act funding. This action also reflects and formalizes the City Council's stated priorities for the CARES Act funding and the tentative allocations made to continue successful programs that ensure families are able to remain in their homes or in short-term shelter housing to prevent the spread of the coronavirus.

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") was signed into law. The CARES Act made additional Community Development Block Grant Coronavirus funds available from the U.S. Department of Housing and Urban Development (HUD) to prevent, prepare for, and respond to the impacts of the coronavirus. The funds are limited to primarily serve low- and moderate-income residents.

In April 2020, the City was informed that it would be allocated \$802,656 in the first round of funding (referred to “CDBG-CV”). At the May 12, 2020 public hearing, the City Council authorized the allocation of \$572,362 for rental and utility assistance and \$230,294 for emergency shelter programs for the homeless. The programs funded with CDBG-CV funds began in late May, and as of November 30, 2020 (the most recent data available), the programs have performed as follows:

Provider/Program	Original Allocation	Households (*Individuals) Served	Balance
Interfaith Shelter - Rental/Utility Assistance	\$200,000	42	\$40,570**
Home Start - Rental/Utility Assistance	\$172,362	32	\$18,000**
CSA San Diego County	\$200,000	14	\$150,032
ECTLC - Emergency Shelter	\$185,294	*447	\$43,823**
Home Start - Emergency Motel Stays Program	\$ 45,000	*86	\$0**
	\$802,656	621	\$252,425

**These funds are likely to be completely or almost completely exhausted in December based on past expenditure rates. Progress reports and invoices are pending.

On September 11, 2020, the City was informed that it would be allocated an additional \$1,009,307 in the third round of funding (referred to as “CDBG-CV3”) (the second round of CDBG-CV funding, CDBG-CV2, was provided directly to states). On October 13, 2020, the City Council gave preliminary direction to allocate a portion of the CDBG-CV3 funds to continue the motel voucher and rental/mortgage and utility assistance programs once the first round of funds is spent. As the first round of funding is nearly exhausted, the actions taken in this public hearing formalizes those preliminary allocations.

As noted in the Table above, all agencies have completely or almost completely expended their CDBG-CV allocations except for one. Staff has been in contact with CSA San Diego County and has negotiated a reduction of their funding from \$200,000 to \$80,000. This amount will allow them to meet any outstanding obligations in their program that they may have through January 31st. It is important to note that CSA San Diego County continues to perform well under other contracts and agreements it has in place with the City. Staff recommends approving an amendment to the agreement with CSA San Diego to reduce the total amount of funding with CDBG-CV funds to a not-to-exceed amount of \$80,000.

At the same time, staff recommends that the remaining \$120,000 in CDBG-CV funds be re-allocated to Home Start, Inc. for continuation of the rental and utility assistance programs. Staff recommends approving an amendment to the agreement with Home Start, Inc. to increase the total allocation of CDBG-CV funds from \$172,362 to \$292,362 for continuation of the rental and utility assistance program in El Cajon.

A Notice of this Public Hearing and Minimum Five-Day Public Review and Comment Period was published in the Daily Gazette, and posted online and in multiple locations, on December 22, 2020, providing citizens with the opportunity to comment and to participate in the proposed 2nd amendment to the FY 2019-20 One-Year Action Plan. The draft 2nd Amendment to the One-Year Action Plan was also posted online on December 22, 2020. Please note that both the Notice and the draft 2nd Amendment contained a typographical error, listing the public hearing date incorrectly as January 12, 2020 instead of 2021. However, it is clear by the date of publication and notice period listed that the public hearing date was intended to be 2021.

The reduced notice and comment period were provided in accordance with the emergency provisions of the City's adopted Citizen Participation Plan in order to assist the agencies in providing the services for residents as quickly as possible in response to the coronavirus pandemic. As of the publication date of this Agenda Report, no comments have been received.

Staff recommends adopting the second amendment to the FY 2019-20 One-Year Action Plan re-allocating and appropriating the funding for the activities as outlined above. Additional public hearing(s) will be required to allocate the remainder of the CDBG-CV3 funds once suitable projects addressing unmet needs in response to the coronavirus have been determined.

FISCAL IMPACT:

All CDBG-CV and CDBG-CV3 grant allocations will be utilized to fund eligible projects and program costs pursuant to Federal law. There is no impact to the General Fund. This action increases the total CDBG appropriation for the FY 2019-20 One-Year Action Plan by \$200,000 due to the increased CARES Act CDBG-CV3 funding.

Prepared By: Jamie van Ravesteyn, Housing Manager

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Draft 2nd Amendment to FY 19-20 Action Plan

Public Hearing Notice

RESOLUTION NO. __-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON
ADOPTING A SECOND AMENDMENT TO THE
FY 2019-2020 ONE YEAR ACTION PLAN

WHEREAS, the City of El Cajon (the "City") has received Cares Act Community Development Block Grant ("CDBG-CV") entitlement grant funds from the U.S. Department of Housing and Urban Development ("HUD") for FY 2019-20, in the amount of \$802,656; and

WHEREAS, the City anticipates receiving additional Cares Act Community Development Block Grant ("CDBG-CV3") entitlement grant funds from the U.S. Department of Housing and Urban Development ("HUD") for FY 2019-20, in the amount of \$1,009,307; and

WHEREAS, the City duly advertised and held a public hearing January 12, 2021, as required by new HUD waivers allowing for shortened public review and comment periods, at which time the City considered public comments and the funding priorities identified to assist with coronavirus relief; and

WHEREAS, the City made the amended One Year Action Plan available for public review for a minimum five-day period between December 22, 2020 and January 12, 2021; and

WHEREAS, the City has met the requirements of HUD set forth at 24 CFR 91, and found the CDBG allocations presented in the One Year Action Plan to be consistent with the Five Year Consolidated Plan.

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

1. The City Council of the City of El Cajon does hereby re-allocate CDBG-CV funds and allocate CDBG-CV3 funds for FY 2019-20 as follows:

CDBG-CV FUNDS			
City Project Number	Agency - Project/Program	Reduction in FY 2019-20 Allocation	Increase in FY 2019-20 Allocation
C0755V	CSA - Rental/Utility Assistance	\$ <120,000>	--
C0756V	Home Start, Inc. - Rental/Utility Assistance	--	\$ 120,000
Total CDBG-CV Funds Re-Allocated			\$ 120,000

CDBG-CV3 FUNDS			
City Project Number	Agency	Project/Program	2019-2020 Allocation
C0756V	Home Start, Inc.	Rental, Mortgage and Utility Assistance	\$ 100,000
C0757V	Home Start, Inc.	Emergency Motel Stays Program	\$ 100,000
Total CDBG-CV3 Allocation to Date			\$ 200,000

2. The City Manager, or such person designated by the City Manager, is hereby authorized to execute appropriate contracts and agreements for the use of the CDBG-CV and CDBG-CV3 funds with the agencies as listed above consistent with City and federal policies and guidelines.

3. The City Council hereby adopts the second amendment to the One Year Action Plan, with funding allocations and as presented above, and authorizes the City Manager, or designee, to submit the One Year Action Plan, as amended, to HUD, and to make any necessary or needed corrections or adjustments to allocations as outlined above, or as required by HUD, and to execute all affiliated documents.

CITY OF EL CAJON

Second Amendment to FY 2019-2020 ONE YEAR ACTION PLAN

The City is proposing a second amendment to the FY 2019-2020 One Year Action Plan to 1) re-allocate \$125,032 in CDBG-CV funds from CSA San Diego County to Home Start, Inc. for continuing rental/mortgage and utility assistance; 2) allocate new CDBG-CV3 funds totaling \$100,000 to Home Start, Inc., for emergency motel stays for the homeless; 3) allocate new CDBG-CV3 funds totaling \$100,000 for additional rental/mortgage and utility assistance; and 4) allocate new CDBG-CV3 funds up to \$100,000 to Home Start, Inc., for the provision of the Rapid Distribution of Air Purification Systems project, in order to prevent the spread of the coronavirus for low-income households.

A public hearing will be held on **Tuesday, January 12, 2020 at 3:00 P.M. in the El Cajon Council Chambers at 200 Civic Center Way, El Cajon, CA 92020. Please note that, pursuant to the Governor of 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 and participate via the City’s website. Please visit <https://www.cityofelcajon.us/videostreaming> for more details.**

The following activities are recommended by staff for funding:

Proposed CDBG-CV and CDBG-CV3 Projects for FY 2019-2020:

Local Project No.	Agency Name Project Title Project Site Address (Brief description of project)	Type of project and project eligibility according to 24 CFR section as shown. Eligibility citations and type of allocation (loan/grant/CHDO set-aside funds).	Amount Recommended for Allocation
C0755V (CDBG-CV)	CSA Rental and Utility Assistance 327 Van Houten Ave. El Cajon (Provide rental and utility assistance to LMI)	05S – Rental Housing Subsidies 570.201(e) – Public Services Grant L/M Clientele – 24 CFR 570.208(a) (2)	<\$125,032>
C0756V (CDBG-CV)	Home Start, Inc. Rental/Mortgage and Utility Assistance 5005 Texas St., Suite #203, San Diego (Provide rental, mortgage and utility assistance to LMI)	05S – Rental Housing Subsidies 570.201(e) – Public Services Grant L/M Clientele – 24 CFR 570.208(a) (2)	\$125,032
C0757V (CDBG-CV3)	Home Start, Inc. Emergency Motel Stays 5005 Texas St., Suite #203, San Diego (Provide emergency motel room vouchers to homeless)	03T – Operating Costs of Homeless Program 570.201(e) – Public Services Grant L/M Clientele – 24 CFR 570.208(a) (2) (Presumed benefit)	\$100,000
C0756V (CDBG-CV3)	Home Start, Inc. Rental/Mortgage and Utility Assistance 5005 Texas St., Suite #203, San Diego (Provide rental, mortgage and utility assistance to LMI)	05S – Rental Housing Subsidies 570.201(e) – Public Services Grant L/M Clientele – 24 CFR 570.208(a) (2)	\$100,000

C0713 (CDBG- CV3)	Home Start, Inc. Rapid Distribution of Air Purification Systems 5005 Texas St., Suite #203, San Diego (Provides no-cost air purification and filter systems to low-income households to prevent the spread of the coronavirus)	05M – Health Services 570.201(e) – Public Services Grant L/M Clientele – 24 CFR 570.208(a) (2)	TBD
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CITY OF EL CAJON

NOTICE OF PUBLIC HEARING AND NOTICE OF MINIMUM 5-DAY PUBLIC REVIEW AND COMMENT PERIOD

SECOND AMENDMENT TO FY 2019-2020 ONE YEAR ACTION PLAN TO RE-ALLOCATE CDBG-CV FUNDS AND TO ALLOCATE A PORTION OF CDBG-CV3 FUNDS

NOTICE IS HEREBY GIVEN that the El Cajon City Council will hold a public hearing on **Tuesday, January 12, 2020 at 3:00 P.M. in the El Cajon Council Chambers at 200 Civic Center Way, El Cajon, CA 92020.** The purpose of the public hearing is to provide El Cajon citizens with the opportunity to provide input on, and participate in the second amendment to the FY 2019-2020 One Year Action Plan, including the re-allocation of a portion of the Community Development Block Grant CDBG-CV funds between providers, and the commitment of new Community Development Block Grant CDBG-CV3 funds from the U.S. Department of Housing and Urban Development. The City expects to receive a total of \$1,009,307 in new CDBG-CV3 funds which can be used to prevent, prepare for and respond to the coronavirus.

The City Council will accept and consider public testimony regarding 1) the re-allocation of \$125,032 in CDBG-CV funds from CSA San Diego County to Home Start, Inc. for continuing rental/mortgage and utility assistance; 2) the allocation of new CDBG-CV3 funds totaling \$100,000 to Home Start, Inc., for emergency motel stays for the homeless; 3) the allocation of new CDBG-CV3 funds totaling \$100,000 for additional rental/mortgage and utility assistance; and 4) the allocation of new CDBG-CV3 funds up to \$100,000 to Home Start, Inc., for the provision of the Rapid Distribution of Air Purification Systems project, in order to prevent the spread of the coronavirus for low-income households.

Please note that, pursuant to the Governor of 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 and participate via the City's website. Please visit <https://www.cityofelcajon.us/videostreaming> for more details.

The public review and comment period is in accordance with the emergency provisions of the adopted Citizen Participation Plan, in order to quickly distribute the funds to provide CDBG-eligible services as quickly as possible in response to the COVID-19 pandemic. HUD has granted the City of El Cajon a waiver allowing for this reduction in public review and comment period.

The draft second amendment to the FY 2019-2020 One Year Action Plan is available for **public review and comment beginning December 22, 2020, for a minimum 5-day period.** The draft of proposed amended Plan may be reviewed at the City of El Cajon Community Development Department – Lobby, located at 200 Civic Center Way, and on-line at <https://www.cityofelcajon.us/housing>. Comments should be mailed to City of El Cajon Community Development Department – Housing, 200 Civic Center Way, El Cajon, CA 92020, or emailed to housing@cityofelcajon.us. Comments received as a result of the minimum 5-day public review period and the public hearing will be incorporated into the final amendment to FY 2019-20 One-Year Action Plan that will be submitted to HUD.

The City of El Cajon is endeavoring to be in total compliance with the Americans with Disabilities Act. This material is available in alternate formats such as large print or computer disk for individuals with disabilities, and will also be made available in Spanish upon request. If you are a non-English speaking resident or a

citizen with speech or hearing impairments, and wish to review the documents or comment at the Public Hearing or require any other form of assistance or auxiliary aids in order to participate at Public Hearings, please contact the City Clerk's Office at (619) 441-1763, as far in advance of the meeting as possible.

[Editor: please publish on 12/22/20—staff please fill in actual date]



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Local Campaign Contribution Limits

RECOMMENDATION:

That the City Council provides direction to staff regarding local campaign contribution limits.

BACKGROUND:

Assembly Bill 571 was passed by the State legislature in 2019 and signed by the Governor on October 8, 2019. However, the new law did not become effective until January 1, 2021.

AB 571 establishes a default campaign contribution limit for county and city offices at the same level as California senate and assembly candidates, which is currently \$4,700. The law also allows local jurisdictions to set their own campaign contribution limits, either lower or higher than the default amount—this limit must be established by ordinance or resolution.

Staff seeks to know whether the City Council wishes for the City to remain at the default level or consider an alternative limit. This report provides information about past elections in El Cajon as well as the limits set on campaign contributions in other local jurisdictions.

Prior to AB 571’s implementation, the City had no established campaign contribution limit. The following are the largest campaign contributions made in the past five municipal elections:

2012	\$ 5,000
2014	\$ 7,500
2016	\$ 4,000
2018	\$10,000
2020	\$ 5,000

Staff compared the campaign contribution limitations set by different cities in San Diego County. The limits vary greatly. The table below highlights a summary of the limits prior to the imposition of AB 571:

Jurisdiction	Campaign Contribution Limit
Carlsbad	No specified limit
Chula Vista	\$350 per individual \$1,190 per political party contribution

Coronado	\$200 per donor
Del Mar	\$200 per individual \$2,000 per political party contribution
El Cajon	No specified limit
Encinitas	\$250 per donor
Escondido	\$4,300 per individual
Imperial Beach	No specified limit
La Mesa	No specified limit, but imposes an expenditure limit of \$1/resident
Lemon Grove	\$1,000 per donor
National City	No specified limit
Oceanside	No specified limit
Poway	\$100 per donor
San Diego, City	\$600 & \$1,150 per individual* \$10,000 & \$20,000 per political party contribution*
San Diego, County	\$850 per donor \$27,600 per political party contribution (supervisor districts) \$55,200 political party contribution (countywide offices, except County Board of Education)
San Marcos	\$250 per individual \$500 per political party contribution
Santee	\$700 per donor
Solana Beach	\$100 per donor
Vista	\$300 per donor

*The lower amount is for city council contests and the higher amount is for mayoral contests.

As stated in this report, staff seeks City Council direction on whether it wishes the City to remain at the default campaign contribution amount or if it wishes to consider a different limit or no limit. If the direction is to consider a different limit, staff can return to the City Council with a resolution establishing an alternative limit as allowed by AB 571.

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: N/A



City Council
Agenda Report

Agenda Item 13.

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Term Expirations on City Commissions

RECOMMENDATION:

That the City Council considers the appointment of commissioners to the City's Personnel Commission, Planning Commission, and Public Safety Facility Financing Oversight Committee, and if appropriate, authorizes the release of applications and scheduling of interviews for candidates as follows:

Application Period: January 13, 2021 - February 1, 2021 at 5:00 p.m.

Interview and Appointment of Applicants: February 9, 2021 at 7:00 p.m.

BACKGROUND:

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

Personnel Commission

Vacancies: One (1) Commissioner

Duration: Four-Year Term to expire January 31, 2025

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

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

Planning Commission

Vacancies: One (1) Commissioner

Duration: Four-Year Term to expire January 31, 2025

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

Public Safety Facility Financing Oversight Committee

Vacancies: Five (5) Commissioners

Duration: Four-Year Terms to expire January 31, 2025

Requirements:

At least one applicant must be a resident of the City of El Cajon and meet one of the following occupations or categories:

- Business owner from the El Cajon Business Community;
- Member of a bona fide taxpayer's association or organization;
- Public Safety Employee (i.e. either police or fire personnel) either retired from service or not employed by the city;
- A resident elector of the City of El Cajon.

Four of the applicants (one must be a resident of the City of El Cajon, and the other three may be residents or non-residents) must be from one or more of the following occupations, in order to have a broad representation of construction and financing of public facilities:

- California Licensed Architect with experience designing and building commercial, industrial or governmental buildings;
- California Licensed General Contractor with experience constructing commercial, industrial or governmental buildings;
- California Licensed Civil Engineer with experience designing and building commercial, industrial or governmental buildings;
- Building/Property Manager with experience in the management of commercial buildings;
- Construction Estimator with experience in estimating the construction of large-scale projects;
- California Certified Public Accountant with experience in professional accounting.

Applications will be available on January 13, 2021 in the City Clerk's Office, and a downloadable, interactive application form will also be available on the City's website at www.cityofelcajon.us under the "Current News" section.

The City Council has the ability to re-appoint, appoint, modify terms, or consider candidates to serve on these commissions and committee. Staff seeks City Council direction on filling these vacancies and, if the application option is taken, recommends that the application period be from January 13th through February 1st and interviews be conducted at 7:00 PM on February 9th.

FISCAL IMPACT:

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

Prepared By: Angela Cortez, City Clerk

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Marisol Thorn, Director of Human Resources
SUBJECT: City of El Cajon Employee Wellness Incentive Program

RECOMMENDATION:

That the City Council approves and authorizes staff to implement an Employee Wellness Incentive Program for all benefited City employees.

BACKGROUND:

Over the past few years, the City has placed focus on employee wellness by better-aligning Employee Assistance Programs (EAP), introducing the Station Dog Program at Station 6, and most recently beginning a collaborative relationship with Kaiser Permanente to establish a formal employee wellness program. As part of the continual discussion with the City's executive team, Police Chief Mike Moulton asked the Police Department's (PD) internal peer support/wellness team to develop ideas to improve employee mental health & wellness.

One idea that arose from the PD committee was a voluntary program that creates incentives for employees to get physical and mental health checks annually. To encourage these physical and mental check-ups each year, under this program, the City would provide benefited employees who participate with up to four leave hours as an incentive for attending both check-ups. These check-ups would be confidentially handled through an employee's own health insurance (for physical exam) and either through the City-provided EAP or the employee's own health insurance for the mental health assessment. After further discussion with Chief Moulton, it made sense for all City staff to be eligible to participate, especially during this pandemic. As such, staff seeks approval and authorization for Human Resources staff to develop the program with labor group input.

FISCAL IMPACT:

The maximum annual fiscal impact is estimated at \$45,000.

Prepared By: Marisol Thorn, Director of Human Resources

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 15.

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: COVID-19 Status Report

RECOMMENDATION:

No action required.

BACKGROUND:

The City Council asked to receive a status report on COVID-19 related information. Staff will present relevant COVID-19 related data and information and answer questions from the City Council.

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: N/A



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Mayor Wells
SUBJECT: Council Activity Report

RECOMMENDATION:

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

BACKGROUND:

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

REPORT:

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

- December 18, 2020 – SANDAG Board of Directors Meeting
- December 21, 2020 – Interview with KUSI
LaDonna Harvey Show
Mark Larson Show
Interview with CBS
Interview with NBC
- December 22, 2020 – Special City Council Meeting
- January 1, 2021 – Interview with KUSI
- January 2, 2021 – Interview with ABC
- January 8, 2021 – SANDAG Executive Committee Meeting
SANDAG Board of Directors Meeting
- January 12, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council
Agenda Report

Agenda Item 17.

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Mayor Pro Tem Kendrick
SUBJECT: MAYOR PRO TEM GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications;
Heartland Fire Training JPA.

RECOMMENDATION:

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

BACKGROUND:

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

REPORT:

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

December 22, 2020 – Special City Council Meeting
January 12, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Mayor Pro Tem



City Council
Agenda Report

DATE: January 12, 2021

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Metschel

SUBJECT: COUNCILMEMBER MICHELLE METSCHEL

Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.

RECOMMENDATION:

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

BACKGROUND:

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

REPORT:

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

- December 12, 2020 – Attended Rock Church **Toys for Joy** event
- December 14, 2020 – Posted on social media regarding how to become an El Cajon Police Officer and about the injured officer
- December 16, 2020 – Posted on social media regarding how to file reports on Caltrans site
- December 17, 2020 – Respond to two constituents regarding rental assistance and clean-up of easement by Caltrans
- December 18, 2020 – Communication between constituents to resolve issues. Contacted County of San Diego/Dianne Jacobs' office and Randy Voepel's office on behalf of constituent. Posted on social media regarding where to get free Christmas meals
- December 19, 2020 – Posted on social media about various programs available to constituents
- December 20, 2020 – Posted on social media about various programs available to constituents
- December 21, 2020 – Email to Randy Voepel's office regarding constituent concern over littered Caltrans easement behind home Communication between County and constituent regarding rental assistance payment
- December 22, 2020 – Special Council meeting

- December 23, 2020 – Sent status request to County for status of Rental Assistance check for constituent
- December 28, 2020 – Posted on social media regarding Christmas tree recycling locations in El Cajon
- December 29, 2020 – Phone call from County regarding housing assistance payment for constituent
- January 4, 2021 – Email to constituent with updated summary of homeless mitigation efforts by City Participated in video for Park & Rec for new Soccer pitch opening

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



City Council
Agenda Report

Agenda Item 19.

DATE: January 12, 2021

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Goble

SUBJECT: COUNCILMEMBER STEVE GOBLE

MTS (Metropolitan Transit System Board); East County Advanced Water Purification Joint Powers Authority Board; Chamber of Commerce – Government Affairs Committee; SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate; METRO Commission/Wastewater JPA – Alternate.

RECOMMENDATION:

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

BACKGROUND:

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

REPORT:

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

- Dec 14, 2020 - Email from David H. regarding encampment at Oakdale/E Main
Email to Gustavo D. @ CalTrans requesting help at Oakdale/E Main
- Dec 16, 2020 - Email from/to John W. re: enforcement of COVID-19 health order
Email to Rodger D. @ Kaiser re: unclaimed funds available
Email to David H. @ Union Tribune re: accuracy of venue in stories
- Dec 18, 2020 - Email to Shawn R. @ CalTrans re: Oakdale/E Main
- Dec 17, 2020 - Email to City Manager re: proposal for Dec 22 meeting
- Dec 21, 2020 - Email to Caroline @ County re: housing data for COVID-19
in El Cajon
- Dec 22, 2020 - Special Council Meeting
- Dec 30, 2020 - Phone Conv with Shelley W re: forensic genealogy
- Dec 31, 2020 - Email with Moline S. re: getting homeless off streets
- Jan 3, 2021 - Email with Fred R. re: unpicked up trash cans
Conversation with Larry S. re: Sr Discounts from EDCO

Jan 5, 2021 - East County Chamber Gov't Affairs Subcommittee Meeting
Email with City Manager re: sales tax revenue from legal dispensaries
Jan 8, 2021 - East County Chamber First Friday Meeting
Jan 12, 2021 - City Council Meeting

I am available to answer questions.

Submitted By: Steve Goble, Councilmember



City Council
Agenda Report

Agenda Item 20.

DATE: January 12, 2021

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Ortiz

SUBJECT: COUNCILMEMBER PHIL ORTIZ

League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – Alternate.

RECOMMENDATION:

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

BACKGROUND:

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

REPORT:

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

December 12, 2020 – Toys for Joy Event

December 22, 2020 – Special City Council Meeting

January 6, 2021 – Wells Park New Soccer Mini Pitch Virtual Ribbon Cutting

January 12, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Councilmember



City Council
Agenda Report

DATE: January 12, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Morgan Foley, City Attorney
SUBJECT: Ordinance to Temporarily Eliminate the Need for a Conditional Use Permit for Sidewalk Dining through June 30, 2021

RECOMMENDATION:

That the City Council approves the introduction of *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 of El Cajon through June 30, 2021*, and, if approved, requests the City Clerk to read the ordinance by title.

BACKGROUND:

On June 9, 2020, City Council approved Ordinance No. 5100, an urgency ordinance to temporarily eliminate the need for a conditional use permit ("CUP") as a condition for the issuance of an encroachment permit by the Public Works Department for the period of June 15, 2020 through December 31, 2020, in order to provide assistance to local restaurant owners attempting to re-establish their businesses following weeks of closure due to County Health Department orders addressing the novel coronavirus and COVID-19 pandemic.

At that time City Council also introduced and thereafter adopted Ordinance No. 5101 to repeal and replace Ordinance No. 5100 upon the effective date of July 23, 2020.

Staff now recommends that City Council approves introduction and adoption of an ordinance amending El Cajon Municipal Code sections 12.09.030 and 12.09.060 to extend the temporary elimination of the requirement for a CUP through June 30, 2021, in order to continue to provide local restaurant owners relief from hardships caused by the on-going pandemic.

Due to the current state and county health orders restaurants are not allowed to conduct any onsite dining; therefore, an urgency ordinance to immediately allow outdoor dining without a CUP is unnecessary.

A second reading will be conducted at the January 26, 2021 City Council meeting, making this ordinance effective February 25, 2021.

Attachments

Ordinance

ORDINANCE NO. ____

AN ORDINANCE TO AMEND 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 THROUGH JUNE 30, 2021

WHEREAS, the City Council of the City of El Cajon (the "City") adopted Ordinance No. 5101 on June 23, 2020, to temporarily eliminate the need for a conditional use permit for sidewalk dining in the City for the period of June 15, 2020 through December 31, 2020; and

WHEREAS, circumstances continue to exist that would make the requirement of a conditional use permit burdensome to restaurants located within the City; and

WHEREAS, continuation of 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 offer 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, due to the Governor of California's extended stay-at-home order, outdoor dining is not currently allowed in the County of San Diego; therefore, it is unnecessary to adopt an urgency ordinance for immediate relief.

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

SECTION 1. Section 12.09.030 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code is hereby repealed.

SECTION 2. A new 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 through June 30, 2021, inclusive.

SECTION 3. Section 12.09.060 of Chapter 12.09 of Title 12 of the El Cajon Municipal Code is hereby repealed.

SECTION 4. A new 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 through June 30, 2021, 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 3. This ordinance shall go into effect thirty (30) days following its passage and adoption.

01/12/21 CC Agenda – 1st Reading
01/26/21 CC Agenda – 2nd Reading

Ord - Amend ECMC 12.09.030 & 12.09.060 – Extend Sidewalk Dining CUP Temp Elim 010521