

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



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

January 26, 2021

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, January 26, 2021, was called to order by Mayor/Chair Bill Wells at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

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

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

POSTINGS: The City Clerk posted Orders of Adjournment of the January 12, 2021, Meeting and the Agenda of the January 26, 2021, Meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS: None

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 12)

MOTION BY WELLS, SECOND BY KENDRICK, to APPROVE Consent Items 1 to 12.

MOTION CARRIED BY UNANIMOUS VOTE.

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

Approves Minutes of the January 12, 2021, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

Approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title only

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

4. Award of RFP No. 016-21 – Sales and Use Tax Services, Transactions and Use Tax Audit and Management Services

Adopts Resolution No. 005-21 to enter into an agreement with Hinderliter, de Llamas & Associates ("HdL") in an amount not to exceed \$350,000 for a five-year term with the option to renew for one additional five-year term.

5. San Diego Gas and Electric's (SDG&E) Power Your Drive Electric Vehicle Charging Program

Adopts Resolution No. 006-21 to:

1. Approve the project;
2. Authorize the City Manager to execute all documents on behalf of the City of El Cajon substantially in the form as presented to the City Council, with such changes approved by the City Manager; and
3. Authorize the recording of the easement.

CONSENT ITEMS: (Continued)

6. Time Extension of Tentative Subdivision Map (TSM) 662; Magnolia Heights at South Magnolia Avenue; Engineering Job No. 3568

Grants a one-year time extension for Tentative Subdivision Map (TSM) 662, Magnolia Heights at South Magnolia Avenue, and sets the new expiration date to be February 14, 2022, in accordance with Municipal Code Section 16.12.110.

7. City Attorney Staff Members

Adopts Resolution No. 007-21 appointing the professional staff of the City Attorney's Department effective January 26, 2021.

8. Amendment to Award of Bid No. 014-21 – Armored Rescue Vehicle

Adopts Resolution No. 008-21 to increase the contract award amount of Bid No. 014-21 by \$27,109.34.

9. U. S. Soccer Foundation & Target Corporation Park Enhancement Donation

Accepts, appropriates, and expends a donation in the amount of \$7,000 from Target Corporation for Wells Park to support enhancements of the area surrounding the mini-pitch space.

10. Acquisition, Removal, Relocation, and Installation of Grant-funded Playground

Adopts Resolution No. 009-21 to approve appropriation of funds from the Park Impact Fees Account to dismantle and remove the grant-funded playground at the 1034 N. Magnolia location and reinstall it at Hillside Park.

11. Extension to Agreement – Debris Collection Services

Adopts Resolution No. 010-21 to extend the current agreement with East County Transitional Living Center (ECTLC) for three months in the amount of \$19,500.

12. Extension to On-Site Fleet Parts Program

Adopts Resolution No. 011-21 to extend the existing contract for on-site fleet parts program with County Motor Parts Co., Inc. for a five-month term in the amount of \$167,000.

PUBLIC COMMENT: None

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

13. Proposed Sign Ordinance Amendment to Allow Signs on City-Owned Property Under Certain Criteria.

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Moves to introduce the next Ordinance in order, and holds the first reading, amending Title 17 to allow signs on City-owned property.

DISCUSSION

Director of Community Development, Anthony Shute, stated that Councilmembers had received a revised copy of the proposed ordinance and he provided a summary of the Item.

Mayor Wells opened the Public Hearing.

Dava Belasco submitted an online comment to oppose electronic billboards in the City.

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

MOTION CARRIED BY UNANIMOUS VOTE.

Discussion ensued among Council and Staff concerning the cost of the electronic signs, and what other cities are doing about electronic billboards.

MOTION BY WELLS, SECOND BY ORTIZ, to RE-OPEN the Public Hearing to allow additional comments from the public.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Item 13 – Continued)

An anonymous online comment was submitted to suggest illuminated signs be turned off at 9:00 p.m. or 10:00 p.m.

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

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY GOBLE, SECOND BY ORTIZ, to INTRODUCE the next Ordinance in order, amending Title 17 to allow signs on City-owned property.

MOTION CARRIED BY UNANIMOUS VOTE.

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

AN ORDINANCE TO AMEND SECTION 17.190.040 OF, AND TO ADD SECTION 17.190.265 TO, CHAPTER 17.190 OF TITLE 17 OF THE EL CAJON MUNICIPAL CODE TO ALLOW SIGNS ON CITY-OWNED PROPERTY UNDER CERTAIN CRITERIA

ADMINISTRATIVE REPORTS:

14. Update on El Cajon 2.0 Committee Regarding Smart City Initiatives

RECOMMENDATION:

That the City Council provides direction to staff regarding City priorities to include in the El Cajon 2.0 Strategic Plan.

DISCUSSION

Director of Information Technology, Sara Diaz, provided detailed information of the Item.

No comments were submitted for the Item.

Discussion ensued among Council and Staff concerning the following:

- Increasing efficiency in service calls in the field;
- Ranked order of priorities for staff to follow;
- Merging improving public safety and solutions to homeless problems; and
- Improving/adding communication channels with the public.

ADMINISTRATIVE REPORTS: (Continued)

15. Local Campaign Contribution Limits

RECOMMENDATION:

Staff takes no position on this item. This report forwards the three alternatives previously discussed for final consideration by the City Council to appropriate direction to staff and presents a resolution for City Council consideration.

DISCUSSION

Assistant City Manager DiMaggio provided detailed information of the Item.

No comments were submitted for the Item.

Discussion ensued among Council and Staff concerning the limit amount to set local campaign contribution limits. A limit of 10,000 a year, plus an annual consumer price index increase, was agreed on by the City Council.

MOTION BY KENDRICK, SECOND BY GOBLE, to ADOPT Resolution No. 012-21 setting Local Campaign Contribution Limits for the City of El Cajon.

MOTION CARRIED BY UNANIMOUS VOTE.

16. Investment Policy Update

RECOMMENDATION:

That the City Council and Housing Authority, respectively, adopts the next Resolutions, in order, adopting the updated City of El Cajon Investment Policy.

DISCUSSION

Finance Director, Clay Schoen, provided detailed information of the Item.

No comments were submitted for the Item.

MOTION BY GOBLE, SECOND BY ORTIZ, to ADOPT Resolution No. 013-21, and ADOPT Resolution ECHA-33 adopting the updated City of El Cajon Investment Policy.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

17. Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020, and Other Written Communication from the City's Independent Auditor

RECOMMENDATION:

That the City Council receives and accepts the Comprehensive Annual Financial Report and other written communication from the independent accounting firm of Rogers, Anderson, Malody & Scott, LLP, for the fiscal year ended June 30, 2020.

DISCUSSION

Senior Accountant, Luca Gonzales, provided detailed information of the Item.

No comments were submitted for the Item.

MOTION BY GOBLE, SECOND BY METSCHEL, to RECEIVE and Accept the Comprehensive Annual Financial Report and other written communication from the independent accounting firm of Rogers, Anderson, Malody & Scott, LLP, for the fiscal year ended June 30, 2020.

MOTION CARRIED BY UNANIMOUS VOTE.

18. Electronic Filing of FPPC Statement of Economic Interest, Form 700; and Introduction of Ordinance Amending Chapter 2.75 of Title 2 of El Cajon Municipal Code Relating to Electronic and Paperless Filing of FPPC Campaign Disclosure Statements

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, requiring Electronic Filing of Fair Political Practices Commission Statement of Economic Interest, Form 700; and approves the introduction of an Ordinance Amending Chapter 2.75 of Title 2 of the El Cajon Municipal Code Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements.

DISCUSSION

City Clerk Cortez provided detailed information of the Item.

No comments were submitted for the Item.

ADMINISTRATIVE REPORTS: (Item 18 - Continued)

MOTION BY KENDRICK, SECOND BY GOBLE, to ADOPT Resolution No. 014-21 requiring Electronic Filing of Fair Political Practices Commission Statement of Economic Interest, Form 700; and approve the introduction of an Ordinance Amending Chapter 2.75 of Title 2 of the El Cajon Municipal Code Relating to Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements.

MOTION CARRIED BY UNANIMOUS VOTE.

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

AN ORDINANCE AMENDING CHAPTER 2.75 OF TITLE 2 OF THE EL CAJON MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS

19. COVID-19 Status Report

RECOMMENDATION: No action required.

City Manager Mitchell provided detailed information of the Item.

No comments were submitted for the Item.

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

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

20. Council Activities Report/Comments

Report as stated.

21. Prohibiting Demonstrations that Target a Residence

RECOMMENDATION:

That the City Council directs staff to prepare an ordinance that would prohibit picketing or demonstrations to take place in front of a particular residence.

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS: (Continued)

Councilmembers agreed on the importance of protecting the privacy of households from demonstrations taking place at a residence.

No comments were submitted for the Item.

MOTION BY WELLS, SECOND BY KENDRICK, to DIRECT staff to prepare an ordinance that would prohibit picketing or demonstrations to take place in front of a particular residence.

MOTION CARRIED BY UNANIMOUS VOTE.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

22. MAYOR PRO TEM GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Council Activities Report/Comments.

Report as stated.

23. COUNCILMEMBER MICHELLE METSCHEL
Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.

Council Activities Report/Comments.

Report as stated.

24. 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.

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

25. 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.

Council Activities Report/Comments.

Report as stated.

JOINT COUNCILMEMBER REPORTS:

26. Removal of Mr. Humbert Cabrera from the El Cajon Planning Commission

RECOMMENDATION:

That the City Council considers modifying the Planning Commission term of Mr. Humbert Cabrera from January 31, 2023 to January 26, 2021 and directs staff to solicit applications to fill the Planning Commission vacancy.

DISCUSSION

Mayor Wells introduced the Item, and asked City Manager Mitchell if Mr. Cabrera accepted to be part of the Zoom meeting to discuss the recommendation. City Manager Mitchell stated he reached out to Mr. Cabrera via email and placed two calls to his office but was not able to reach him. He added that a text was also sent, and that Mr. Cabrera replied, stating he could not be present and he would accept the decision made by the City Council.

At the request of Mayor Wells, City Attorney Foley clarified that a Planning Commissioner, who is appointed by the City Council, serves at the will of the City Council and may be removed from the appointment with or without a reason.

To answer a question by Mayor Wells, City Manager Mitchell stated that should Mr. Cabrera be removed from his appointment, staff recommends accepting applications and interviews be scheduled for the March 9, 2021, meeting.

The following names submitted comments to request Mr. Cabrera not be removed from the Planning Commission:

1. John David
2. Usama Gezrawi
3. Joe Sigurdson
4. Mike Aqrawi

JOINT COUNCILMEMBER REPORTS: (Continued)

5. Delores Chavez
6. The Latino American Political Association
7. Michael J. Cariola
8. Tim McDougal
9. Duane Barto
10. Jill Barto
11. Robert Kevane
12. Melissa Green

The following names submitted comments to in support of removing Mr. Cabrera from the Planning Commission:

1. Robert Garmo
2. Nathan Cornett
3. Darrin Mroz
4. Stephanie Harper

Mayor Wells stated his concern with a perceived conflict of interest by Mr. Cabrera continuing to represent clients with in City business.

Discussion ensued amongst Councilmembers in regards to:

- Mr. Cabrera not following the conflict of interest rules;
- Concerns of how Mr. Cabrera conducted himself during the 2020 Election period; and
- Concerns of the lack of disclosure by Mr. Cabrera on the Fair Political Practices Commission (FPPC) Form 700.

MOTION BY GOBLE, to CENSURE Mr. Cabrera regarding incorrect reporting on Form 700, and request to re-file with proper information.

MOTION FAILED BY LACK OF A SECOND.

MOTION BY WELLS, SECOND BY KENDRICK, to REMOVE Humbert Cabrera from the Planning Commission, effective immediately.

MOTION CARRIED BY A 4 TO 1 VOTE (GOBLE – NO).

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION

27. Amendment to Sections 12.09.030 and 12.09.060 of the El Cajon Municipal Code - Temporarily Eliminate the need for a Conditional Use Permit for Sidewalk Dining

RECOMMENDATION:

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

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.

DISCUSSION

No comments were submitted for the Item.

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

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.

MOTION BY WELLS, SECOND BY GOBLE, to Adopt Ordinance No. 5104, APPROVING 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.

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS: None

Adjournment: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 26th day of January, 2021, at 5:07 p.m., to Tuesday, February 9, 2021, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary