



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

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

MAY 25, 2021, 3:00 p.m.

Please note that we have resumed in-person meetings and allow in-person public participation with a limit of 50% capacity. The percentage of people allowed in the Council Chamber will change as we move into different tiers. Until such time as we are no longer limiting the capacity of persons allowed in the Council Chamber, you may continue to submit comments online through the City's website at www.cityofelcajon.us, under agendas and minutes.

Please submit your comments early to make sure they are read at the appropriate time.

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
Steve Goble, Councilmember
Michelle Metschel, 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 May 11, 2021, Meeting and the Agenda of the May 25, 2021, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

Presentation: Youth of the Year Awards

Presentation: San Diego County Fair

Presentation: America on Your Street

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 May 11, 2021, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

RECOMMENDATION:

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

3. Approval of Reading Ordinances by Title Only

RECOMMENDATION:

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

4. Award of Bid No. 017-21 – Debris Collection Services Re-Bid

RECOMMENDATION:

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

1. Find the protest submitted by Landscape Maintenance of America timely and without merit regarding Urban Corps of San Diego County's bid;
2. Find the protest submitted by Landscape Maintenance of America (LMA) timely and with merit regarding East County Transitional Living Center's (ECTLC) bid;
3. Find the second low bidder non-responsive for the reasons set forth in this agenda report; and
4. Award the bid to the lowest responsive, responsible bidder, Urban Corps of San Diego County (UCSDC), in the amount of \$107,700.

5. Acceptance of Public Improvements for Tentative Subdivision Map (TSM) 669; 585 Ballantyne Street

RECOMMENDATION:

That the City Council accepts the improvements and authorizes the City Clerk to release the security guaranteeing the improvements in accordance with the subdivision agreement, and requires the developer to maintain insurance in force until the release of all bonds for the project.

6. Acceptance of Public Improvements for Tentative Subdivision Map (TSM) 539; 120 Ballantyne Street

RECOMMENDATION:

That the City Council accepts the improvements and authorizes the City Clerk to release the security guaranteeing the public improvements in accordance with the subdivision agreement, and requires the developer to maintain insurance in force until the release of all bonds for the project.

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:

7. Delinquent Refuse Collection Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives public testimony;
2. Closes the Public Hearing;
3. Adopts the next Resolutions, 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 the list to the County Tax Assessor for billing on the next property tax bill.

8. Amendment to the 2021 Five-Year Regional Transportation Improvement Program (RTIP No. 21-03).

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Adopts the next Resolution, in order, approving the amendment to the proposed five-year program of projects for the SANDAG Regional Transportation Improvement Program (RTIP No.21-03).

9. Remove Conditional Use Permit Requirement for Outdoor Dining on City Sidewalks

RECOMMENDATION:

That the City Council introduces the next Ordinance, in order, removing the requirement for a Conditional Use Permit for outdoor dining and drinking on City sidewalks, and asks the City Clerk to read the ordinance by title only.

10. CDBG CARES Act – Third Amendment to FY 2019-20 One Year Action Plan to Allocate Remaining CDBG-CV3 Funds.

RECOMMENDATION:

Staff recommends that the City Council:

1. Opens the Public Hearing and receives 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. Allocate and appropriate \$500,000 in CDBG-CV3 funds for continuation and/or expansion of programs for existing emergency shelter and refined emergency motel stays for homeless persons and families to prevent the spread of the coronavirus;
 - b. Allocate and appropriate \$10,000 in CDBG-CV3 funds for a new program to provide home-delivered, medically-tailored meals for critically ill persons and families to prevent the spread of the coronavirus;
 - c. Allocate and appropriate \$299,307 in CDBG-CV3 funds for a project to acquire and/or rehabilitate a facility for the provision of shelter for homeless persons and families to prevent, prepare for and respond to the coronavirus; and
 - d. Authorize the City Manager, or designee, to make the necessary adjustments or corrections to the One-Year Action Plan, execute all affiliated documents, and submit all required documentation to the U.S. Department of Housing and Urban Development.

ADMINISTRATIVE REPORTS:

11. City Council Meeting Schedule

RECOMMENDATION:

That the City Council considers canceling its August 24, 2021 meeting.

12. Fire Station No. 7 Renovation

RECOMMENDATION:

That the City Council:

1. Authorizes the appropriation of up to \$3,500,000 of Proposition O funding for the Fire Station 7 Project (PS0051);
2. Authorizes the de-appropriation of unexpended amounts of Proposition O funding related to the Public Safety Efficiency Improvements Project (PS0071);
3. Authorizes the appropriation and transfer of \$3,235,000 of General Fund Reserves to the City Capital Improvement Program Fund (501); and
4. Authorizes the appropriation of \$3,235,000 to reestablish the Public Safety Efficiency Improvements (IFM3740) project.

13. Redistricting Process Update

RECOMMENDATION:

That the City Council receives the report.

14. 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.

15. Council Activity Report

16. Legislative Report

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

17. **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.

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

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

GENERAL INFORMATION ITEMS FOR DISCUSSION:

ORDINANCES: FIRST READING

ORDINANCES: SECOND READING AND ADOPTION

CLOSED SESSIONS:

21. Closed Session - Conference with Legal Counsel - Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9: One (1) potential case: Elia Law Firm, on behalf of Sara Bahnam, has submitted a Claim for Damages alleging losses suffered following a trip and fall on a sidewalk maintained by the City of El Cajon

22. 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, et al.
San Diego Superior Court Case No. 37-2019-00001896-CU-PO-CTL

ADJOURNMENT: The Adjourned Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 25th day of May 2021, is adjourned to Tuesday, June 8, 2021, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: May 25, 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 May 11, 2021, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

05-11-21 DRAFT minutes - 3PM

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



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

May 11, 2021

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, May 11, 2021, was called to order by Mayor/Chair Bill Wells at 3:01 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

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

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

POSTINGS: The City Clerk posted Orders of Adjournment of the April 27, 2021, meeting and the Agenda of the May 11, 2021, meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

Police Department Drone

AGENDA CHANGES:

City Manager Mitchell requested that Item 23, Closed Session – Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: One (1) potential case, be removed from the agenda.

CONSENT ITEMS: (1 – 11)

MOTION BY WELLS, SECOND BY KENDRICK, to APPROVE Consent Items 1 to 11.

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 April 27, 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. Adoption of the Road Maintenance and Rehabilitation Account (RMRA) List of Proposed Projects for FY 2021-22

Adopts Resolution No. 039-21 to adopt the proposed List of Projects to be funded from the Road Maintenance and Rehabilitation Account (RMRA) Local Streets and Roads Funding Program for Fiscal Year 2021-22; and Directs City staff to submit to the California Transportation Commission (CTC) a list of proposed projects to receive RMRA funding for Fiscal Year 2021-22.

CONSENT ITEMS: (Continued)

5. Approval of Revisions to the Purchasing Agent Classification Specification

Approves the proposed revisions to the Purchasing Agent classification specification.

6. Approval of Revisions to the Fire Battalion Chief Classification Specification

Approves the proposed revisions to the Fire Battalion Chief classification specification.

7. Broadway Creek Project - Approval of Environmental Documents

Adopts Resolution No. 040-21 approving the Mitigated Negative Declaration and Mitigation, Monitoring & Reporting Plan.

8. 2020 Office of Emergency Services (CalOES) - Coverdell Forensic Science Improvement Grant Award

1. Authorizes the City Manager, or designee, to accept the 2020 Coverdell Forensic Science Improvement Grant in the amount of \$51,345, and execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates funding to purchase a Foster & Freeman Crime-lite MLD UVIR with Dual CAM System and 32" monitor for \$28,596, an Image Pro Analyzer for the DCS4/IPA for \$6,806, the Mideo TrainingWorks Fingerprint Comparison software training course for \$11,780, and overtime funding of \$4,163 for the three Forensic Evidence Technicians.

9. Event in the Right-of-Way - July 4th Fireworks

Approves the use of the public right-of-way for the July 4th fireworks display.

10. SANDAG Shared Streets 2.0 Pilot Program

Authorizes the City Manager to execute an agreement, appropriate, and expend \$5000 from the 2021 SANDAG Shared Streets 2.0 Pilot Program Grant.

11. Amendment of El Cajon City Council Policy E-2 (Fees and Guidelines Governing the Use of Parks and Recreation Facilities)

Amends City Council Policy E-2 (Fees and Guidelines Governing the Use of Parks and Recreation Facilities).

PUBLIC COMMENT:

Jeff Lashment stated he requested a change to his retirement status from service to disability retirement and is going through the process.

City Manager Mitchell clarified that the City Council cannot give direction to staff as the item is not on the agenda. He added that Mr. Lashment’s case is in review and no other information could be provided on the matter.

An anonymous comment submitted online to request all financial support be provided to relief aid for citizens of El Cajon.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS: None

ADMINISTRATIVE REPORTS:

12. Interviews for Personnel Commissioner

RECOMMENDATION:

That the City Council selects one (1) applicant to serve on the Personnel Commission.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Applicants for the Personnel Commission were interviewed in the following order:

1. Megan Howell
2. Jason Martinez
3. Robert Yslas, Jr.

MOTION BY KENDRICK, SECOND BY GOBLE, to APPOINT Jason Martinez to the Personnel Commission, with a term to expire on January 31, 2024.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

13. Consideration of Phase II of the Business Grant Program

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving Phase II of the second round of the Business Grant Program.

DISCUSSION

Assistant City Manager DiMaggio provided detailed information of the Item.

Conversation ensued amongst Council and Staff regarding:

- Mobile businesses;
- Verification of costs and expenses submitted by qualifying businesses;
- Site improvements;
- Temporary land use considerations;
- Consideration of miscellaneous businesses to qualify for grant money; and
- Approval to include Franchise businesses.

MOTION BY GOBLE, SECOND BY METSCHEL, to ADOPT Resolution No. 041-21 to approve Phase II of the American Rescue Plant Act of 2021 Business Grant Program.

MOTION CARRIED BY UNANIMOUS VOTE.

14. American Rescue Plan Update

RECOMMENDATION:

That the City Council takes the following actions:

1. Provides feedback regarding proposed uses of American Rescue Plan (ARP) funds; and
2. Adopts the next Resolution, in order, accepting approximately \$17 million in anticipated ARP funds, establishing an account for such funds, and authorizing the appropriation of these funds as defined by the Resolution.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Danielle, representing the East County BIPOC thanked Councilmember Goble for attending the East County Justice Coalition forum and provided feedback on the survey the City submitted regarding ideas on how to allocate some of the ARP funds.

ADMINISTRATIVE REPORTS: (Item 14 - Continued)

An anonymous comment, submitted online requested that ARP money be spent to raise and inspire the children of El Cajon.

Kar submitted an online comment to express support existing programs such as education, libraries and housing.

Kelci Ellis-Alvarez submitted an online comment to ask that ARP funds be spent to support programs such as the East County Transitional Living Center.

Alana submitted an online comment to ask that the ARP funds be spent on families and individuals struggling due to the COVID-19 pandemic.

Conversation ensued amongst Council and Staff regarding:

- Un-eligible programs previously considered;
- Small business incubator programs;
- Future vaccine sites to administer boosters;
- Non-religious providers for homeless programs;
- Rider reimbursement for vaccine appointments;
- Home vaccine opportunities; and
- Appropriation of funds for vaccine assistance.

MOTION BY GOBLE, SECOND BY ORTIZ, to ADOPT Resolution No. 042-21 to appropriate approximately \$17 million in anticipated ARP funds, establishing an account for such funds, and authorizing the appropriation of these funds as defined by the Resolution.

MOTION CARRIED BY UNANIMOUS VOTE.

15. COVID-19 Status Report

RECOMMENDATION: No action required.

DISCUSSION

City Manager Mitchell provided information on the Item and answered questions by Council Members.

Councilmember Goble provided detailed information and comparisons of the COVID-19 v. seasonal flu. Information shared was gathered from the Centers for Disease Control and Prevention.

No comments were received 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.

16. Council Activities Report/Comments

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

17. 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.

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

Council Activities Report/Comments.

Report as stated.

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

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

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.

Council Activities Report/Comments.

Report as stated.

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION - None

CLOSED SESSIONS:

21. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Neighbors Against Noise and Traffic, etc. vs. City of El Cajon, et al. San Diego Superior Court Case No. 37-2021-00016823-CU-TT-CTL

22. Closed Session - Conference with Legal Counsel - Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9: One (1) potential case - Mercury Insurance Company as Subrogee of Colleen Murphy, has submitted a Claim for Damages alleging losses suffered following a rear-end collision involving a City vehicle and the claimant's insured

Item 23 removed by action taken under agenda changes:

23. Closed Session - Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: One (1) potential case

MOTION BY WELLS, SECOND BY GOBLE, to ADJOURN to Closed Session at 5:24 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS: (Continued)

RECONVENE TO OPEN SESSION AT 5:48 p.m.

City Attorney Foley reported the following actions:

21. Direction was given to Legal Counsel
22. Direction was given 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 11th day of May, 2021, at 5:49 p.m., to Tuesday, May 25, 2021, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary

D R A F T



City Council Agenda Report

Agenda Item 4.

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Mara Romano, Senior Buyer
SUBJECT: Award of Bid No. 017-21 – Debris Collection Services Re-Bid

RECOMMENDATION:

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

1. Find the protest submitted by Landscape Maintenance of America timely and without merit regarding Urban Corps of San Diego County's bid;
2. Find the protest submitted by Landscape Maintenance of America (LMA) timely and with merit regarding East County Transitional Living Center's (ECTLC) bid;
3. Find the second low bidder non-responsive for the reasons set forth in this agenda report; and
4. Award the bid to the lowest responsive, responsible bidder, Urban Corps of San Diego County (UCSDC), in the amount of \$107,700.

BACKGROUND:

The Debris Collection Services contract provides for the removal of trash, debris, abandoned furniture, and other items designated throughout City limits.

On November 10, 2020, City Council approved rejecting all bids and authorized re-bidding the project with revised specifications.

This bid was advertised on February 11, 2021. Three responses were received at 2:00 p.m. on March 10, 2021, and all bids were evaluated.

The bid specifications required all bidders to submit a bid security in an amount not less than 10% of the bid amount. The cashier's check submitted by the second low bidder, ECTLC, was less than the required 10% of the bid amount.

Additionally, LMA submitted a written protest dated March 17, 2021. The protest was received within the time frame provided and is deemed timely. LMA's protest stated that the first and second low bidders, UCSDC and ECTLC, respectively, were non-responsive for failure to register with the Department of Industrial Relations (DIR) and did not intend to pay prevailing wage for the required scope of work.

As stated in the bid specifications, this public project is subject to registration, compliance monitoring, and enforcement by the DIR. Therefore, the first and second low bidders were provided an opportunity to submit proof of DIR prevailing wage-exempt status.

The first low bidder, UCSDC, submitted a letter from the California Conservation Corps stating UCSDC meets all certification requirements and is certified as a Community Conservation Corps for the term July 1, 2020, through June 30, 2021. In accordance with California Public Resources Code Section 14507.5 and California Labor Code 1720.4, work performed by certified members of the California Conservation Corps are exempt from paying prevailing wages and are exempt from DIR registration. Furthermore, UCSDC submitted an email from the DIR stating that UCSDC was exempt from paying prevailing wages and registration requirements. As to LMA's protest of an award to UCSDC on the basis that UCSDC is not exempt from the payment of prevailing wages, City staff finds LMA's protest without merit.

The second low bidder, ECTLC, submitted California Form 3500A, Submission of Exemption Request. ECTLC does not qualify for the exemption status based on their non-profit, tax-exempt status. City staff finds LMA's protest with merit. Therefore, ECTLC is considered non-responsive for failure to register with the DIR and providing a bid security in an amount less than 10% of the bid amount.

Staff recommends that the City Council rejects the bid of ECTLC as non-responsive and awards the bid to the lowest responsive, responsible bidder, UCSDC, in the amount of \$107,700. The summary of bids is attached, and complete proposals are on file in the Purchasing Division. For comparison purposes, staff analyzed the cost of providing the scope of work with City staff. Staff determined that personnel costs would range between \$115,000 and \$130,000 annually, along with vehicle, fuel, and miscellaneous cost of approximately \$22,500.

FISCAL IMPACT:

The fiscal impact for the initial one-year term is \$107,700. Sufficient funds are included in the proposed Fiscal Year 2021-22 Public Works – Street Operations (211320) budget, contingent upon City Council approval. Subsequent 4-year costs are estimated to total \$487,410.

Prepared By: Mara Romano, Acting Purchasing Agent

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Bid Summary - 017-21

RESOLUTION NO. __-21

RESOLUTION AWARDING BID FOR
DEBRIS COLLECTION SERVICES RE-BID
(Bid No. 017-21)

WHEREAS, the Debris Collection Services Re-Bid (the "Project") provides for the removal of trash, debris, abandoned furniture and other items as designated throughout the City of El Cajon (the "City") limits; and

WHEREAS, on November 10, 2020, the City Council reject all bids and authorized re-bidding the Project with revised specifications, and it was advertised on February 11, 2021; and

WHEREAS, three (3) responses were received at 2:00 p.m. on March 10, 2021; and

WHEREAS, the bid specifications required all bidders to submit a bid security in an amount not less than 10% of the bid amount; however, the cashier's check submitted by the second low bidder, East County Transitional Living Center ("ECTLC"), was less than the required amount; and

WHEREAS, the third low bidder, Landscape Maintenance of America ("LMA"), submitted a timely written protest dated March 17, 2021, protesting that the first and second low bidders, Urban Corps of San Diego County ("UCSDC") and ECTLC respectively, were non-responsive for failure to register with the Department of Industrial Relations (the "DIR") and did not intend to pay prevailing wages for the required scope of work; and

WHEREAS, as stated in the bid specifications, the Project, as a public project, is subject to registration, compliance monitoring and enforcement by the DIR; and

WHEREAS, the first and second low bidders were provided an opportunity to submit proof of DIR prevailing wage exempt status; and

WHEREAS, in accordance with California Public Resources Code section 14507.5 and California Labor Code section 1720.4, work performed by certified members of the California Conservation Corps (the "CCC") are exempt from paying prevailing wages, and as such, are exempt from DIR registration, and

WHEREAS, UCSDC submitted a letter from the CCC stating that UCSDC meets all certification requirements and is certified as a Community Conservation Corps for the term of July 1, 2020 through June 30, 2021; and

WHEREAS, UCSDC also submitted an email from the DIR stating that UCSDC was exempt from paying prevailing wage and registration requirements, and therefore, City staff finds LMA's protest of UCSDC without merit; and

WHEREAS, ECTLC submitted California Form 3500A, Submission of Exemption Request, but does not qualify for the exemption status based on their non-profit, tax exempt status, and therefore, City staff finds LMA's protest deserving of approval, and ECTLC is considered non-responsive for failure to register with the DIR and providing a bid security in an amount less than 10% of the bid amount; and

WHEREAS, staff recommends that the City Council rejects the bid of ECTLC as non-responsive, and awards the bid to the lowest responsive, responsible bidder, UCSDC, in the amount of \$107,700; and

WHEREAS, the City Council believes it to be in the best interests of the City to award the bid to the sole responsive, responsible bidder, in the amount of \$107,700.

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 finds the protest submitted by LMA regarding UCSDC timely, but without merit.
3. The City Council hereby further finds that the protest by LMA regarding ECTLC timely and deserving of approval, and therefore, rejects the bid of ECTLC as nonresponsive, and awards the bid for Project to:

Urban Corps of San Diego County

in an amount not to exceed \$107,000.

4. The City Manager and City Clerk are authorized and directed to execute a contract for the Project on behalf of the City of El Cajon, with such changes or amendments as maybe approved by the City Manager.



City of El Cajon – Purchasing Division

BID EVALUATION

(To be included as an attachment to the agenda report.)

Bid No. 017-21	Bid Name: Debris Collection Services Re-Bid
Solicitation Due Date/Time: March 10, 2021/2:00 pm	Initial Date of Advertisement: 03/10/21
Number of Responses Received: 3	Bid Estimate: \$85,000

SUMMARY OF BIDS (INCLUDE ANY ADD. ALTS.):

Vendor	Vendor Type	Bid Amount	Format	Submit Date	Status
Urban Corps of San Diego County		\$107,700.0000	Electronic	03/10/2021 10:31:53 AM	Submitted
East County Transitional Living Cen	NPT	\$118,325.0000	Electronic	03/03/2021 1:54:21 PM	Submitted
Landscape Maintenance of America	CADIR	\$923,725.0000	Electronic	03/10/2021 1:38:19 PM	Submitted

BID EVALUATION (TOP THREE LOWEST RESPONSES):

Bidder	Bid Responsiveness	Notes
Urban Corps of SD County	Yes	Exempt per California Labor Code 1720.4; therefore, vendor does not pay prevailing wage.
East County Transitional Living Center	No	Specifications state that the surety bond must be "...for an amount not less than ten (10) percent of the total bid amount" ECTCL's cashier check was below 10% of their total bid amount.
Landscape Maintenance of America	Yes	Submitted a copy of the bid bond but not the original. The City provided additional time for the vendor to submit the original bid bond and vendor complied. Vendor did not complete the Bidder's Bond to Accompany Proposal (BBAP) form; this is a minor irregularity as the BBAP is not the only bid bond form the City will accept.

LEGAL REVIEW REQUIRED: YES NO **IF YES, DATE LEGAL REVIEW COMPLETED:** _____

RENEWAL OPTIONS: YES NO **IF YES, SPECIFY TERM W/RENEWAL OPTIONS:** MAY 31, 2021 –JUNE 30, 2020 (TENTATIVE) WITH FOUR ONE-YEAR RENEWAL OPTIONS

LOWEST, RESPONSIVE, RESPONSIBLE BIDDER NAME AND AMOUNT: URBAN CORPS OF SAN DIEGO COUNTY - \$107,700.00

TENTATIVE CITY COUNCIL AWARD DATE: APRIL 13, 2021

PURCHASING DIVISION:

Review Completed By: Mara Romano

Date: March 15, 2021



City Council
Agenda Report

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Acceptance of Public Improvements for Tentative Subdivision Map (TSM)
669; 585 Ballantyne Street

RECOMMENDATION:

That the City Council accepts the improvements and authorizes the City Clerk to release the security guaranteeing the improvements in accordance with the subdivision agreement, and requires the developer to maintain insurance in force until the release of all bonds for the project.

BACKGROUND:

On September 12, 2017, the City Council approved TSM 669 for a 5-Lot subdivision of the property located on the east side of Ballantyne Street between Interstate 8 and East Madison Avenue (APNs: 483-351-35 and 483-351-36). The TSM was approved by Resolution No. 083-17, subject to conditions. The public improvements, as a condition of approval for TSM 669, are now complete. Bonds and a Subdivision Agreement guaranteed installation of the public improvements.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

Prepared By: Yazmin Arellano, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Acceptance of Public Improvements for Tentative Subdivision Map (TSM)
539; 120 Ballantyne Street

RECOMMENDATION:

That the City Council accepts the improvements and authorizes the City Clerk to release the security guaranteeing the public improvements in accordance with the subdivision agreement, and requires the developer to maintain insurance in force until the release of all bonds for the project.

BACKGROUND:

On July 27, 2004, the City Council approved TSM 539 for a one-lot subdivision for residential/office purposes (8 residential condominiums and two office spaces) in the C-R (Regional Commercial) Zone on property located at the west side of Ballantyne Street between East Main Street and East Park Avenue. The TSM was approved by Resolution No. 161-04, subject to conditions. The public improvements, as condition of approval for TSM 539, are now complete. Bonds and Subdivision Agreement guaranteed installation of the public improvements.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

Prepared By: Yazmin Arellano, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 7.

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Delinquent Refuse Collection Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives public testimony;
2. Closes the Public Hearing;
3. Adopts the next Resolutions, 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 the list to the County Tax Assessor for billing on the next property tax bill.

BACKGROUND:

On January 1, 1996, the City began mandatory trash service for all single-family residences. The City's agreement with its solid-waste hauler at that time, Waste Management, allowed Waste Management to bill for regular service, with the City assuming responsibility for placing liens on delinquent accounts. Once collected through the tax lien process, the City is then obligated to remit the funds collected to Waste Management. This allows the City to use the enforcement power of a property lien, when necessary, to collect past due amounts. Additionally, the lien process is a cost-effective way for the City to ensure payment of delivered services.

This is the final lien process for Waste Management, as they are no longer the City's franchise hauler. Attached is the list of properties that are delinquent in payments for refuse and recycling collection services provided through December 2020. Property owners have several opportunities before the lien process to reconcile their accounts, including advanced notice of the public hearing. In addition, accounts can be settled by providing payment of their delinquent balance up to the day of the City Council meeting.

The El Cajon Municipal Code allows for exemption from the mandatory refuse service with sufficient proof of use of a City-approved refuse and recyclables collection alternative. Residents may take their refuse to their private business located within the City limits of El Cajon, or they may haul their refuse to the landfill and provide receipts for such service.

The City is contractually obligated to assist Waste Management with the collections process as dictated in our Franchise Agreement and Municipal Code. Therefore, this is the final list of delinquent accounts for Waste Management for the last billing cycle (September 2020) of their contract with the City that expired on 12/31/2020.

On April 19, 2021, 487 customers were sent a Final Notice of Delinquency, asking them to pay a combined total of \$74,102.05. As of May 21, 2021, there are 366 delinquent accounts for the City Council to consider totaling \$55,524.08.

FISCAL IMPACT:

As the City collects a 15% franchise fee for Waste Management services, the City's financial share of these delinquencies is approximately \$8,328.61.

List of Delinquent Refuse Collection Accounts is available for review in the City Clerk's Office during regular business hours.

Prepared By: Dennis Davies, Deputy Director of Public Works

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ___-21

RESOLUTION APPROVING REPORT AND ACCOUNT OF
DELINQUENT REFUSE COLLECTION SERVICE FEES AND CHARGES;
AND CONFIRMING ASSESSMENTS AS LIENS PURSUANT TO
CHAPTER 8.24 OF THE EL CAJON MUNICIPAL CODE

WHEREAS, pursuant to the provisions of Chapter 8.24 of the El Cajon Municipal Code, a public hearing was held on May 25, 2021, for the purpose of hearing objections or protests to a report and account of delinquent refuse collection service fees and charges; and

WHEREAS, protests and objections of the owners of the properties liable to be assessed for said delinquent charges have been heard and considered by said City Council, and said accounts have been approved as submitted.

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

1. In accordance with the provisions of Title 4, Division 3, Chapter 10, section 38791 and Title 3, Division 2, Chapter 8, section 25831 of the Government Code of the State of California, and section 8.24.090 of Chapter 8.24 of the El Cajon Municipal Code, the report and account of delinquent refuse collection service fees and charges (Exhibit "A") considered at the hearing held on May 25, 2021, on file in the office of the City Clerk, is approved, and the unpaid amounts designated in said report and account shall be a charge to the owners of the properties on the next regular tax bill, and shall be liens upon the properties involved.

2. The sums herein assessed remaining unpaid after thirty (30) days from the date of this resolution shall bear interest at the rate of seven percent (7%) per annum, as set forth in section 8.24.100 of Chapter 8.24 of the El Cajon Municipal Code.

3. The designation of said parcels is shown by Assessor's parcel numbers, and the initial amounts plus interest to be assessed and imposed as liens are designated thereafter on Exhibit "A," on file in the Office of the City Clerk.

4. Said liens shall be of no further force or effect upon the confirmation of the Tax Collector that said assessments have been added to the tax rolls.

5. The City Clerk is hereby directed to record one or more certified copies of this resolution, which shall collectively include all of Exhibit "A," in the office of the County Recorder of San Diego County.

6. The City Clerk is hereby authorized to discharge and release any such lien when the claim under said lien has been fully satisfied.

7. The decision in your matter is final on this date, and by this notice, you have 90 calendar days from the date of the mailing of this notice to seek judicial

review of this decision pursuant to California Code of Civil Procedure sections 1094.5 and 1094.6, and El Cajon Municipal Code Chapter 1.32.

05/25/21 CC Agenda
Reso - Delinquent Refuse Liens (May 2021) 051021



City Council Agenda Report

Agenda Item 8.

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Amendment to the 2021 Five-Year Regional Transportation Improvement Program (RTIP No. 21-03).

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Adopts the next Resolution, in order, approving the amendment to the proposed five-year program of projects for the SANDAG Regional Transportation Improvement Program (RTIP No.21-03).

BACKGROUND:

Local SANDAG TransNet regulations require the City to hold a public meeting regarding any proposed amendments to the five-year Regional Transportation Improvement Program (RTIP). TransNet is the countywide half-cent sales tax for local transportation projects that was first approved by voters in 1988, and extended in 2004 for another 40 years. The current five-year 2021 RTIP was formally adopted by City Council on May 26, 2020. The RTIP is a prioritized capital improvement program designed to implement the region's overall strategy for providing mobility and improving the efficiency and safety of the City's transportation system. The City receives approximately \$2.5 million annually in TransNet funds for transportation capital improvement projects.

This proposed amendment includes the following changes to the existing RTIP programmed list of projects:

1. Increase funds in the (EL03) Street Overlay account by \$1,819,000.00 for current and new projects. Reallocate \$616,510.00 (PW3613 & PW50018) in surplus funds from past fiscal year completed projects back into this account. This annual paving program provides for the re-paving of local and major streets within the City in conjunction with the Pavement Management Program that prioritizes streets based on their existing pavement condition.
2. Increase funds in the (EL06) Traffic Signals account by \$130,000.00 for current and new projects. Reallocate \$6,770.00 (PW3617) in surplus funds from past fiscal year completed projects back into this account. This annual traffic signal program provides for the upgrade and modification of the City's traffic signal system to improve traffic flow and

safety.

3. Increase funds in the (EL11) Sidewalk Improvement account by \$900,000.00 for current and new projects. Reallocate \$75,202.00 (PW3405 & PW52019) in surplus funds from past fiscal year completed projects back into this account. This annual sidewalk improvement program repairs damaged sidewalks, installs new sidewalks, and new curb and gutter at various locations throughout the City.

4. Increase funds in the (EL18) Street Light Installation account by \$478,000.00 for current and new projects. Reallocate \$448.00 (PW3617) in surplus funds from past fiscal year completed projects back into this account. This annual program installs new street lights and retrofits existing street lights with energy-efficient LED luminaires at various locations throughout the City.

5. Transfer \$175,000.00 from the (EL21) Street Resurfacing account to the (EL11) Sidewalk Improvement account for current and new projects. This annual street resurfacing program rehabilitates (slurry seals) streets to prolong the life of existing pavement at various locations throughout the City.

6. Increase funds in the (EL29) Traffic/Safety Calming account by \$260,000.00 for current and new projects. Reallocate \$153,189.00 (PW3579, PW3491, PW3615, and PW3659) in surplus funds from past fiscal year completed projects back into this account. This annual program provides for the installation of new traffic safety calming measures such as street striping, enhanced visibility crosswalks, and radar speed feedback signs.

7. Close the (EL39) Bicycle Parking Enhancement project. The project is complete and installed new bicycle parking facilities at eight (8) Parks and Recreation centers in the City.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The 2021 RTIP program of projects is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), according to section 15301, Class 1(c) of the CEQA guidelines. Section 15301 contains an exemption for the maintenance of roadways.

FISCAL IMPACT:

The proposed transfer of TransNet funds does not impact any appropriations in the current Fiscal Year 20-21 budget, including the General Fund.

Prepared By: Mario Sanchez, City Traffic Engineer

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Attachments

RESOLUTION NO. ____-21

RESOLUTION OF THE CITY OF EL CAJON AMENDING THE
TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF
PROJECTS FOR FISCAL YEARS 2021 THROUGH 2025

WHEREAS, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance) in 1988, and extended it on November 4, 2004, for an additional forty (40) years; and

WHEREAS, the *TransNet* Extension Ordinance provides that SANDAG, acting as the Regional Transportation Commission, shall approve on a biennial basis a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, the current five-year 2021 Regional Transportation Improvement Program ("RTIP") was formally adopted by City Council of the City of El Cajon (the "City") on May 26, 2020; and

WHEREAS, the RTIP is a prioritized capital improvement program designed to implement the region's overall strategy for providing mobility and improving the efficiency and safety of the City's transportation system, and the City receives approximately \$2.5 million annually in *TransNet* funds for transportation capital improvement projects; and

WHEREAS, local SANDAG *TransNet* regulations require the City to hold a public meeting regarding any proposed amendments to the RTIP; and

WHEREAS, the City of El Cajon has held a noticed public hearing with an agenda item that clearly identified the proposed list of projects prior to approval of the projects by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy No. 31.

WHEREAS, City staff has recommended the proposed amendment to the RTIP, which does not impact any appropriations in the current Fiscal Year 20-21 budget, including the General Fund, and includes the following changes to the scheduled list of projects:

1. Increase funds in the (EL03) Street Overlay account by \$1,819,000.00 for current and new projects. Reallocate \$616,510.00 (PW3613 & PW50018) in surplus funds from past fiscal year completed projects back into this account. This annual paving program provides for the re-paving of local and major streets within the City in conjunction with the Pavement Management Program that prioritizes streets based on their existing pavement condition.

2. Increase funds in the (EL06) Traffic Signals account by \$130,000.00 for current and new projects. Reallocate \$6,770.00 (PW3617) in surplus funds from past fiscal year completed projects back into this account. This annual traffic signal program provides for the upgrade and modification of the City's traffic signal system to improve traffic flow and safety.
3. Increase funds in the (EL11) Sidewalk Improvement account by \$900,000.00 for current and new projects. Reallocate \$75,202.00 (PW3405 & PW52019) in surplus funds from past fiscal year completed projects back into this account. This annual sidewalk improvement program repairs damaged sidewalks, installs new sidewalks, and new curb and gutter at various locations throughout the City.
4. Increase funds in the (EL18) Street Light Installation account by \$478,000.00 for current and new projects. Reallocate \$448.00 (PW3617) in surplus funds from past fiscal year completed projects back into this account. This annual program installs new street lights and retrofits existing street lights with energy-efficient LED luminaires at various locations throughout the City.
5. Transfer \$175,000.00 from the (EL21) Street Resurfacing account to the (EL11) Sidewalk Improvement account for current and new projects. This annual street resurfacing program rehabilitates (slurry seals) streets to prolong the life of existing pavement at various locations throughout the City.
6. Increase funds in the (EL29) Traffic/Safety Calming account by \$260,000.00 for current and new projects. Reallocate \$153,189.00 (PW3579, PW3491, PW3615, and PW3659) in surplus funds from past fiscal year completed projects back into this account. This annual program provides for the installation of new traffic safety calming measures such as street striping, enhanced visibility crosswalks, and radar speed feedback signs.
7. 7. Close the (EL39) Bicycle Parking Enhancement project. The project is complete and installed new bicycle parking facilities at eight (8) Parks and Recreation centers in the City; and

WHEREAS, the 2021 RTIP program of projects is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA"), according to section 15301, Class 1(c) of the CEQA guidelines, which contains an exemption for the maintenance of roadways.

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

1. Pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance, the City of El Cajon certifies that no more than 30 percent of its cumulative revenues shall be spent on local street and road maintenance-related projects.

2. Pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City of El Cajon certifies that all new projects, or major reconstruction projects, funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed shall be clearly noticed as part of the City of El Cajon's public hearing process.

3. Pursuant to Section 8 of the *TransNet* Extension Ordinance, the City of El Cajon certifies that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the 5-year period consistent with the most recent Maintenance of Effort Requirements adopted by SANDAG.

4. Pursuant to Section 9A of the *TransNet* Extension Ordinance, the City of El Cajon certifies that it will exact \$2,635.50, plus all applicable annual increases, from the private sector for each newly constructed residential housing unit in that jurisdiction (unless exempted under the *TransNet* Extension Ordinance,) and shall contribute such exactions to the Regional Transportation Congestion Improvement Program (RTCIP).

5. Pursuant to Section 13 of the *TransNet* Extension Ordinance, the City of El Cajon certifies that it has established a separate Transportation Improvement Account for *TransNet* revenues with interest earned expended only for those purposes for which the funds were allocated.

6. Pursuant to Section 18 of the *TransNet* Extension Ordinance, the City of El Cajon certifies that each project of \$250,000 or more will be clearly designated during construction with *TransNet* project funding identification signs.

7. The City of El Cajon does hereby certify that all other applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy No. 31 have been met.

8. The City of El Cajon agrees to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to City of El Cajon's *TransNet* funded projects.

9. The City Council hereby approves the amendment to the current five-year 2021 Regional Transportation Improvement Program ("RTIP") that was formally adopted by the City Council on May 26, 2020, as recommended by staff.

Table 1
2021 Regional Transportation Improvement Program
Amendment No. 3
San Diego Region (in \$000s)

El Cajon, City of

MPO ID: EL03		RTIP #:21-03
Project Title:	Overlay/Reconstruction Projects	RAS (M-39)
Project Description:	Various locations per the attached list - street reconstruction and overlays greater than 1" thick, including thoroughfares, collectors & residential streets	TransNet - LSI: CR
Change Reason:	Increase funding	
Capacity Status:	NCI	Exempt Category: Safety - Pavement resurfacing and/or rehabilitation

Est Total Cost: **\$42,883**

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - L	\$6,747	\$6,747									\$6,747
TransNet - L (Cash)	\$2,541	\$2,541									\$2,541
TransNet - LSI	\$15,221	\$9,157	\$1,200	\$750	\$1,636	\$1,300	\$1,178				\$15,221
TransNet - LSI (Cash)	\$416	\$416									\$416
TransNet - LSI Carry Over	\$8,871	\$6,209	\$93	\$2,569							\$8,871
Local Funds	\$8,807	\$1,707	\$1,350	\$1,400	\$1,450	\$1,450	\$1,450				\$8,807
Local RTCIP	\$280	\$280									\$280
TOTAL	\$42,883	\$27,057	\$2,643	\$4,719	\$3,086	\$2,750	\$2,628				\$42,883

PROJECT LAST AMENDED 21-00

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - L	\$6,747	\$6,747									\$6,747
TransNet - L (Cash)	\$2,541	\$2,541									\$2,541
TransNet - LSI	\$16,657	\$9,157	\$1,200	\$1,500	\$1,800	\$1,500	\$1,500				\$16,657
TransNet - LSI (Cash)	\$416	\$416									\$416
TransNet - LSI Carry Over	\$6,302	\$6,209	\$93								\$6,302
Local Funds	\$8,807	\$1,707	\$1,350	\$1,400	\$1,450	\$1,450	\$1,450				\$8,807
Local RTCIP	\$280	\$280									\$280
TOTAL	\$41,750	\$27,057	\$2,643	\$2,900	\$3,250	\$2,950	\$2,950				\$41,750

** Pending final SANDAG approval

**2021 Regional Transportation Improvement Program
Amendment No. 3
San Diego Region (in \$000s)**

El Cajon, City of

MPO ID: EL06		RTIP #:21-03
Project Title:	Traffic Signals Projects	RAS (M - 39) <i>TransNet</i> - LSI: CR
Project Description:	Various locations in the City - upgrade or modification of existing traffic signals and the Traffic Management Center, including rewire, new fiber-optic signal interconnect cable, wireless video monitoring cameras, and other necessary equipment to improve traffic flow and safety. <i>TransNet</i> - LSI RAMS of \$10 is programmed through FY 2025	
Change Reason:	Increase funding	
Capacity Status:NCI		Exempt Category:Other - Traffic signal synchronization projects

Est Total Cost: **\$3,863**

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
<i>TransNet</i> - L	\$580	\$580									\$580
<i>TransNet</i> - L (Cash)	\$380	\$380									\$380
<i>TransNet</i> - LSI	\$2,316	\$965	\$347	\$405	\$200	\$200	\$200		\$49		\$2,267
<i>TransNet</i> - LSI (Cash)	\$8	\$8									\$8
<i>TransNet</i> - LSI Carry Over	\$579	\$579									\$579
TOTAL	\$3,863	\$2,512	\$347	\$405	\$200	\$200	\$200		\$49		\$3,814

PROJECT LAST AMENDED 21-00

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
<i>TransNet</i> - L	\$580	\$580									\$580
<i>TransNet</i> - L (Cash)	\$380	\$380									\$380
<i>TransNet</i> - LSI	\$2,186	\$965	\$347	\$275	\$200	\$200	\$200		\$49		\$2,137
<i>TransNet</i> - LSI (Cash)	\$8	\$8									\$8
<i>TransNet</i> - LSI Carry Over	\$579	\$579									\$579
TOTAL	\$3,733	\$2,512	\$347	\$275	\$200	\$200	\$200		\$49		\$3,684

** Pending final SANDAG approval

**2021 Regional Transportation Improvement Program
Amendment No. 3
San Diego Region (in \$000s)**

El Cajon, City of

MPO ID: EL11	RTIP #:21-03
Project Title: Sidewalk, Curb and Gutter, and Pedestrian Ramp Repairs	TransNet - LSI: Maint
Project Description: Various locations as shown on the Maintenance Zone Map - repair damaged sidewalk, curb and gutter, pedestrian ramps, driveways, etc.	
Change Reason: Increase funding	
Capacity Status:NCI Exempt Category:Air Quality - Bicycle and pedestrian facilities	

Est Total Cost: \$5,502											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - L	\$450	\$450							\$150		\$300
TransNet - L (Cash)	\$250	\$250									\$250
TransNet - LSI	\$2,904	\$1,165	\$699	\$740	\$100	\$100	\$100				\$2,904
TransNet - LSI (Cash)	\$8	\$8									\$8
TransNet - LSI Carry Over	\$615	\$355		\$260							\$615
Local Funds	\$1,275		\$275	\$250	\$250	\$250	\$250				\$1,275
TOTAL	\$5,502	\$2,228	\$974	\$1,250	\$350	\$350	\$350		\$150		\$5,352

PROJECT LAST AMENDED 21-00											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - L	\$450	\$450							\$150		\$300
TransNet - L (Cash)	\$250	\$250									\$250
TransNet - LSI	\$2,264	\$1,165	\$699	\$100	\$100	\$100	\$100				\$2,264
TransNet - LSI (Cash)	\$8	\$8									\$8
TransNet - LSI Carry Over	\$355	\$355									\$355
Local Funds	\$1,275		\$275	\$250	\$250	\$250	\$250				\$1,275
TOTAL	\$4,602	\$2,228	\$974	\$350	\$350	\$350	\$350		\$150		\$4,452

MPO ID: EL18	RTIP #:21-03
Project Title: Street Light Installation Projects	TransNet - LSI: CR
Project Description: Various locations in the City - provide for new street lights which includes removing existing wooden pole mounted lights for the City's underground utility district projects and the retro-fit of existing high pressure sodium street lights with energy efficient LED street lights	
Change Reason: Increase funding	
Capacity Status:NCI Exempt Category:Safety - Lighting improvements	

Est Total Cost: \$1,785											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - L (Cash)	\$37	\$37									\$37
TransNet - LSI	\$700	\$300		\$100	\$100	\$100	\$100				\$700
TransNet - LSI Carry Over	\$1,048	\$300	\$150	\$598							\$1,048
TOTAL	\$1,785	\$637	\$150	\$698	\$100	\$100	\$100				\$1,785

PROJECT LAST AMENDED 21-00											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - L (Cash)	\$37	\$37									\$37
TransNet - LSI	\$820	\$300		\$220	\$100	\$100	\$100				\$820
TransNet - LSI Carry Over	\$450	\$300	\$150								\$450
TOTAL	\$1,307	\$637	\$150	\$220	\$100	\$100	\$100				\$1,307

** Pending final SANDAG approval

**2021 Regional Transportation Improvement Program
Amendment No. 3
San Diego Region (in \$000s)**

El Cajon, City of

MPO ID: EL21		RTIP #:21-03
Project Title:	Street Resurfacing with Slurry Seals	<i>TransNet - LSI: Maint</i>
Project Description:	Various locations in the City - as grouped by the maintenance zone map for street resurfacing with rubber polymer modified slurry (RPMS) seals less than 1" thick	
Change Reason:	Increase funding	
Capacity Status:	NCl Exempt Category: Safety - Pavement resurfacing and/or rehabilitation	

Est Total Cost: \$10,394

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
<i>TransNet - LSI</i>	\$3,575	\$1,800		\$275	\$500	\$500	\$500				\$3,575
<i>TransNet - LSI (Cash)</i>	\$5	\$5									\$5
<i>TransNet - LSI Carry Over</i>	\$3,814	\$3,214	\$600								\$3,814
Local Funds	\$3,000		\$600	\$600	\$600	\$600	\$600				\$3,000
TOTAL	\$10,394	\$5,019	\$1,200	\$875	\$1,100	\$1,100	\$1,100				\$10,394

PROJECT LAST AMENDED 21-00

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
<i>TransNet - LSI</i>	\$3,750	\$1,800		\$450	\$500	\$500	\$500				\$3,750
<i>TransNet - LSI (Cash)</i>	\$5	\$5									\$5
<i>TransNet - LSI Carry Over</i>	\$3,814	\$3,214	\$600								\$3,814
Local Funds	\$3,000		\$600	\$600	\$600	\$600	\$600				\$3,000
TOTAL	\$10,569	\$5,019	\$1,200	\$1,050	\$1,100	\$1,100	\$1,100				\$10,569

MPO ID: EL29		RTIP #:21-03
Project Title:	Traffic Safety/Calming	<i>TransNet - LSI: CR</i>
Project Description:	Various locations in the City - install traffic safety and calming improvements such as street striping, stop signs, speed cushions, and radar speed feedback signs	
Change Reason:	Increase funding	
Capacity Status:	NCl Exempt Category: Safety - Safer non-Federal-aid system roads	

Est Total Cost: \$1,499

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
<i>TransNet - LSI</i>	\$1,268	\$508	\$100	\$360	\$100	\$100	\$100				\$1,268
<i>TransNet - LSI (Cash)</i>	\$11	\$11									\$11
<i>TransNet - LSI Carry Over</i>	\$220	\$220									\$220
TOTAL	\$1,499	\$739	\$100	\$360	\$100	\$100	\$100				\$1,499

PROJECT LAST AMENDED 21-00

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
<i>TransNet - LSI</i>	\$1,008	\$508	\$100	\$100	\$100	\$100	\$100				\$1,008
<i>TransNet - LSI (Cash)</i>	\$11	\$11									\$11
<i>TransNet - LSI Carry Over</i>	\$220	\$220									\$220
TOTAL	\$1,239	\$739	\$100	\$100	\$100	\$100	\$100				\$1,239

** Pending final SANDAG approval

**2021 Regional Transportation Improvement Program
Amendment No. 3
San Diego Region (in \$000s)**

COMPLETED

El Cajon, City of

MPO ID: EL39		RTIP #:21-03
Project Title:	El Cajon Bicycle Parking Enhancement Project (part of Lump Sum V17)	SANDAG ID: 19011002
Project Description:	Various locations in the City - The Bicycle Parking Enhancement Project will install bicycle racks at various locations in the City. The Bicycle racks will provide cyclists with safe, secure, and convenient parking for end-of-trip storage and enhance regional and local bicycle networks.	
Change Reason:	Complete project	
Capacity Status:	NCI Exempt Category: Air Quality - Bicycle and pedestrian facilities	

Est Total Cost: \$0											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
Local Funds	\$0										
TDA	\$0										
TOTAL											

PROJECT LAST AMENDED 21-00											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
Local Funds	\$10		\$10						\$10		
TDA	\$40		\$40								\$40
TOTAL	\$50		\$50						\$10		\$40

MPO ID: EL40		RTIP #:21-03
Project Title:	El Cajon Transit Center Community Connection Improvements (part of Lump Sum V10)	SANDAG ID: 1224067
Project Description:	El Cajon - El Cajon Boulevard between Chamberlain Avenue and Lexington Avenue, along Palm Avenue between Marshall Avenue and El Cajon Boulevard, and along Johnson Avenue approaching El Cajon Boulevard. - This project is the first phase of proposed improvements that will revitalize the Transit District by creating a sense of place and providing a direct link to transit by installing elements that will encourage smart growth such as wide sidewalks, enhanced crosswalks, thematic lighting, LID basins, streets trees, site furniture, a roundabout, bulb-outs, signage, and Class I bikeway approaches along Johnson Ave.	
Change Reason:	Increase funding	
Capacity Status:	NCI Exempt Category: Other - Transportation enhancement activities	

Est Total Cost: \$4,701											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - SGIP	\$2,500	\$211	\$1,871	\$418					\$306		\$2,194
Local Funds	\$2,201	\$30	\$171	\$2,000					\$50		\$2,151
TOTAL	\$4,701	\$241	\$2,042	\$2,418					\$356		\$4,345

PROJECT LAST AMENDED 21-00											
	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - SGIP	\$2,500	\$211	\$1,871	\$418					\$306		\$2,194
Local Funds	\$301	\$30	\$171	\$100					\$50		\$251
TOTAL	\$2,801	\$241	\$2,042	\$518					\$356		\$2,445

** Pending final SANDAG approval

**2021 Regional Transportation Improvement Program
Amendment No. 3
San Diego Region (in \$000s)**

El Cajon, City of

MPO ID: EL41		RTIP #:21-03
Project Title:	Main Street - Green Street Gateway (part of Lump Sum V10)	SANDAG ID: 1224068
Project Description:	El Cajon - Main St between Marshall Ave and El Cajon Blvd, and also along Marshall Ave between Palm Ave and the El Cajon Transit Center access driveway. - Main St. is the primary access from the Transit Center to downtown El Cajon. To revitalize the corridor into an attractive "urban-forest" gateway, tree-lined widened sidewalks and Class IV bikeways, LID planters, signage, thematic site furnishing, and lighting are proposed. Also, upgraded bike and ped links to the transit center along Marshall will transform the corridor into an accessible and multi-modal Ave.	
Change Reason:	Increase funding	
	Capacity Status:NCI Exempt Category:Other - Transportation enhancement activities	

Est Total Cost: \$2,551

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - SGIP	\$2,500	\$190	\$600	\$1,000	\$710				\$290		\$2,210
Local Funds	\$51			\$51							\$51
TOTAL	\$2,551	\$190	\$600	\$1,051	\$710				\$290		\$2,261

PROJECT LAST AMENDED 21-00

	TOTAL	PRIOR	20/21	21/22	22/23	23/24	24/25	FUTURE	PE	RW	CON
TransNet - SGIP	\$2,500	\$190	\$600	\$1,000	\$710				\$290		\$2,210
Local Funds	\$1			\$1							\$1
TOTAL	\$2,501	\$190	\$600	\$1,001	\$710				\$290		\$2,211

** Pending final SANDAG approval

**2021 Regional Transportation Improvement Program
Amendment No. 3
San Diego Region (in \$000s)**

RTIP Fund Types

<i>Local Funding</i>	
Local Funds AC	Local Funds - Advanced Construction; mechanism to advance local funds to be reimbursed at a later fiscal year with federal/state funds
RTCIP	Regional Transportation Congestion Improvement Program
TDA	Transportation Development Act
<i>TransNet-L</i>	Prop. A Local Transportation Sales Tax - Local Streets & Roads
<i>TransNet-L (Cash)</i>	TransNet - L funds which agencies have received payment, but have not spent
<i>TransNet-LSI</i>	Prop. A Extension Local Transportation Sales Tax - Local System Improvements
<i>TransNet-LSI Carry Over</i>	TransNet - LSI funds previously programmed but not requested/paid in year of allocation
<i>TransNet-LSI (Cash)</i>	TransNet - LSI funds which agencies have received payment, but have not spent
<i>TransNet-SGIP</i>	Prop. A Extension Local Transportation Sales Tax - Regional Smart Growth Incentive Program



City Council
Agenda Report

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Anthony Shute, Director of Community Development
SUBJECT: Remove Conditional Use Permit Requirement for Outdoor Dining on City Sidewalks

RECOMMENDATION:

That the City Council introduces the next Ordinance, in order, removing the requirement for a Conditional Use Permit for outdoor dining and drinking on City sidewalks, and asks the City Clerk to read the ordinance by title only.

BACKGROUND:

At the onset of the COVID-19 pandemic it was immediately known that the impacts on local businesses were likely to be severe. The El Cajon City Council quickly realized the need to allow businesses permitted to be open to take advantage of outdoor areas, and on April 14, 2020, gave initial policy direction allowing businesses to operate outdoors in parking lots or other areas that were deemed safe and accessible. In a similar effort, on June 23, 2020, the City Council adopted Ordinance No. 5101 temporarily removing the requirement for a Conditional Use Permit (CUP) for outdoor dining and drinking on City sidewalks. Each of these City Council pro-business efforts have been extended in response to the ongoing pandemic with the City Council adopting a resolution allowing for the continued relaxation of certain Zoning Code standards until December 31, 2021, and with the adoption of Ordinance No. 5104 removing the CUP requirement for outdoor dining on City sidewalks until June 30, 2021. Please note that the use of City sidewalks still requires an encroachment permit issued by the Public Works Department.

DISCUSSION

The City Council has repeatedly made it clear that every effort must be made to keep El Cajon businesses going during the pandemic. Moreover, City Council discussions at their Goal Setting Workshop, and policy direction given in response to the American Rescue Plan, indicate the desire to remove economic development barriers where feasible.

In this case requiring a CUP delays the issuance of an encroachment permit as it would require: an additional application with the payment of a fee; CEQA review; consideration of a recommendation of approval by the Planning Commission; and approval by the City Council. By eliminating the need for a CUP the City is not only providing assistance through economical means, but is assisting in re-opening eating and drinking establishments and attracting new ones. This proposed ordinance does not remove the need for an encroachment permit, which provides safeguards for the City through the requirements that the business provides insurance

with appropriate additional insured endorsements, as well as a hold harmless agreement. However, Public Works staff can easily process applications working personally with the applicant and assist in meeting the conditions remaining in El Cajon Municipal Code Chapter 12.09, without the need to wait for a CUP to be approved.

Therefore, it is recommended that the City Council approve and introduce the first reading of the regular ordinance, which will then return for second reading and adoption at the June 8, 2021 City Council meeting.

Prepared By: Anthony Shute, Director of Community Development

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

Attachments

Ordinance

ORDINANCE NO. _

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

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, the City Council extended the temporary elimination of the need for a conditional use permit for sidewalk dining in the City through June 30, 2021; and

WHEREAS, the elimination of the requirement for a conditional use permit will allow existing restaurants to fully re-open by utilizing city-owned sidewalks and other rights-of-way in order to offer eating and drinking services without the costly and time-consuming requirement of obtaining a conditional use permit; and

WHEREAS, the proposed ordinance amendment removes an economic development barrier in attracting new business, and enables existing businesses to grow.

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:

12.9.30 General provisions.

The general provisions for sidewalk dining are as follows:

- A. Sidewalk dining will only be allowed in commercial zones.
- B. Establishment of sidewalk dining shall require 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 encroachment permit.
- 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. 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.

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 an encroachment permit issued by the public works department. 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 the encroachment permit. New conditions of approval of the encroachment permit will be subject to the approval of 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 5. This ordinance shall go into effect thirty (30) days following its passage and adoption.

05/25/21 CC Agenda – 1st Reading
06/08/21 CC Agenda – 2nd Reading

Ord - Amend ECMC 12.09.030 & 12.09.060 – Eliminate Sidewalk Dining CUP



City Council Agenda Report

Agenda Item 10.

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Jamie Van Ravesteyn, Housing Manager
SUBJECT: CDBG CARES Act – Third Amendment to FY 2019-20 One Year Action Plan to Allocate Remaining CDBG-CV3 Funds.

RECOMMENDATION:

Staff recommends that the City Council:

1. Opens the Public Hearing and receives 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. Allocate and appropriate \$500,000 in CDBG-CV3 funds for continuation and/or expansion of programs for existing emergency shelter and refined emergency motel stays for homeless persons and families to prevent the spread of the coronavirus;
 - b. Allocate and appropriate \$10,000 in CDBG-CV3 funds for a new program to provide home-delivered, medically-tailored meals for critically ill persons and families to prevent the spread of the coronavirus;
 - c. Allocate and appropriate \$299,307 in CDBG-CV3 funds for a project to acquire and/or rehabilitate a facility for the provision of shelter for homeless persons and families to prevent, prepare for and respond to the coronavirus; and
 - d. Authorize the City Manager, or designee, to make the necessary adjustments or corrections to the One-Year Action Plan, execute all affiliated documents, and submit all required documentation to the U.S. Department of Housing and Urban Development.

BACKGROUND:

The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) was signed into law on March 27, 2020. 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 serving primarily low- and moderate-income (LMI) residents.

In April/May of 2020, HUD allocated \$802,656 to the City in the first round of CARES Act funding (referred to “CDBG-CV”). The City Council authorized allocation of \$572,362 for rental and utility assistance and \$230,294 for emergency shelter programs for the homeless.

On September 11, 2020, HUD allocated an additional \$1,009,307 in the third round of funding (referred to as “CDBG-CV3”) (the second round of CDBG-CV funding was provided directly to states). Last October, the City Council authorized allocation of a portion of the CDBG-CV3 funds for continuation of the motel voucher program (\$100,000) and rental/utility assistance (\$100,000) program once the first round of funds was spent. Those allocations were formalized in a public hearing on January 12, 2021.

As of April 30, 2021 (the most recent data available), the CDBG-CV and CDBG-CV3 programs have performed as follows:

For CDBG-CV:	Total Households/ Individuals Served	Total Funds Expended	Balance Available
Rental/Utility Assistance Programs*	103 households	\$431,820	\$140,542
Emergency Shelter & Motel Stays Programs	706 individuals	\$230,294	\$0
		\$662,114	\$140,542

*Program is currently on hold pending County ERAP Program.

For CDBG-CV3:	Total Households/ Individuals Served	Total Funds Expended	Balance Available
Rental/Utility Assistance Programs*	0 households	\$0	\$100,000
Emergency Motel Stays Program	160 individuals	\$82,359	\$17,641
		\$82,359	\$117,641

*Program is currently on hold pending County ERAP Program.

On April 13, 2021, following an update on homeless programs, the City Council received public input and provided direction to staff for the continuation of programs addressing homelessness in the City using CDBG-CV3 and other funds budgeted. In addition, direction was given to continue to work, through the East County Homeless Task Force, on regional efforts to address homelessness. The Task Force plays a role in coordinating efforts and helping to understand the needs of the homeless service agencies and community partners. Through the task force, staff is working with neighboring jurisdictions (including the County) on a regional approach to jointly address homelessness in East County.

Based on direction given by the City Council, and staff's analysis of existing programs and needs in the community, staff recommends allocating the remaining \$809,307 in CDBG-CV3 funds for programs to assist homeless El Cajon residents in preparing for, preventing or responding to coronavirus as follows:

- a. **Home Start, Inc.: Emergency Shelter Scatter-Site Motel Program** will provide emergency motel room vouchers, housing placement and emergency housing assistance for homeless families and individuals impacted by COVID-19 that are housing-focused and housing-ready, with the goal of attaining permanent housing. Home Start estimates that 50 homeless households will benefit from this program. Staff recommends funding this activity with CDBG-CV3 funds in the amount of \$400,000.
- b. **East County Transitional Living Center: Emergency Shelter Program** will continue to provide emergency shelter, case management and food resources for homeless families and individuals. This funding is expected to act as bridge funding to ensure that the shelter remains open and available throughout the year, once the regular allocations of CDBG funds are exhausted. ECTLC estimates that 300 additional homeless individuals will benefit from this program. Staff recommends funding this activity with CDBG-CV3 funds in the amount of \$100,000.
- c. **Mama's Kitchen: Home-Delivered Meals Program** will deliver medically-tailored meals for critically ill clients and their dependent children. These clients' health status puts them at higher risk of complications from COVID-19 if they were to become infected. Mama's Kitchen estimates that 35 LMI El Cajon residents will receive approximately 6,750 meals with this funding. Staff recommends funding this activity with CDBG-CV3 funds in the amount of \$10,000.
- d. **City of El Cajon: Acquisition and/or Rehabilitation of Facility for Homelessness**. Staff recommends allocating the balance of the CDBG-CV3 funds (\$299,307) for assisting in the acquisition and/or rehabilitation of a facility for shelter or navigation center. The funds will likely be leveraged with other available funding (potentially with other jurisdictions). The funds will be set aside until an appropriate facility, operator and funding source are identified, and must be expended within a three-year timeframe. Staff expects to return to City Council with a plan for further discussion and direction once a project is identified and additional details are known.

Notice of this Public Hearing and Minimum 5-Day Public Review and Comment Period was published in the East County Gazette, and posted online and in multiple locations, on May 13, 2021, providing citizens with the opportunity to comment on and to participate in the proposed Third Amendment to the FY 2019-20 One-Year Action Plan. Furthermore, the draft Third Amendment was posted on the City's website on May 13, 2021. The 5-day notice and comment period were provided in accordance with the emergency provisions of the City's adopted Citizen Participation Plan in order to allocate the funding for services as quickly as possible in response to the coronavirus pandemic. As of the date of publication of this Agenda Report, no comments have been received. Any comments received will be incorporated into the final document.

Staff recommends adopting the Third Amendment to the FY 2019-20 One-Year Action Plan allocating and appropriating the funding for the activities as outlined above.

FISCAL IMPACT:

All 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 \$809,307 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

Proposed 3rd Amendment to FY 19-20 One Year Action Plan

RESOLUTION NO. __-21

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

WHEREAS, the City of El Cajon 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 of El Cajon 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 held a duly advertised public hearing on January 12, 2021, and allocated \$200,000 of the CDBG-CV3 funds to projects and programs that work to prevent, prepare for and respond to the coronavirus pandemic; and

WHEREAS, the City duly advertised and held a public hearing on May 25, 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 allocate remaining CDBG-CV3 grant funds totaling \$809,307 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 May 13, 2021 and May 25, 2021; and

WHEREAS, the City has complied with 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 allocate CDBG-CV3 funds for FY 2019-20 as follows:

CDBG-CV3 FUNDS			
City Project Number	Agency	Project/Program	2019-2020 Allocation
C0758V	Home Start, Inc.	Emergency Shelter Scatter-Site Motel Program	\$ 400,000
C0760V	East County Transitional Living Center	Emergency Shelter Program	\$ 100,000
C0759V	Mama’s Kitchen	Home-Delivered Meals Program	\$ 10,000

C0931V	City of El Cajon	Acquisition and/or Rehabilitation of Facility for homeless shelter or navigation center	\$ 299,307
Total CDBG-CV3 Allocation on this Date			\$ 809,307

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 third 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

Third Amendment to FY 2019-2020 ONE YEAR ACTION PLAN

The City is proposing a third amendment to the 2019-2020 One Year Action Plan and the allocation and commitment of Community Development Block Grant (CDBG-CV3) funds from the U.S. Department of Housing and Urban Development. The City anticipates receiving approximately \$1,009,307 in CDBG-CV3 funds, and has already allocated \$200,000 of those funds in a second amendment to the FY 19-20 Action Plan, to projects and programs that prevent, prepare for, and respond to coronavirus. The Council will consider and take action to allocate additional eligible projects and programs for use of the remaining \$809,307 in CDBG-CV3 funds for community development opportunities as outlined below. All CDBG-CV3 funds must be used to prevent, prepare for and respond to the coronavirus. The public review and comment period has been reduced in order to quickly distribute the funds into the community. HUD has granted the City of El Cajon a waiver allowing for this reduction in public review and comment period. A public hearing will be held on **Tuesday, May 25, 2021 at 3:00 P.M. in the El Cajon Council Chambers at 200 Civic Center Way, El Cajon, CA 92020**. The following activities are recommended by staff for funding:

Proposed CDBG-CV3 Projects:

Local Project No.	Agency Name Project Title Program/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
C07xxV	Home Start, Inc. Emergency Shelter - Scatter Site 333 E. Main Street, El Cajon (Provide emergency motel room vouchers, housing placement, and emergency housing assistance 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)	\$400,000
C0753V	East County Transitional Living Center Emergency Shelter Program 1527 E. Main Street, El Cajon (Provides emergency shelter, food and case management assistance for the 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
C07xxV	Mama’s Kitchen Home-Delivered Meal Service: El Cajon 1527 E. Main Street, El Cajon (Provide home-delivered medically-tailored meals to critically ill)	05B – Services for Persons with Disabilities 570.201(e) – Public Services Grant L/M Clientele – 24 CFR 570.208(a)(2)	\$10,000
C09xxV	City of El Cajon Acquisition and/or Rehabilitation of Facility for Homeless Shelter or navigation center 200 Civic Center Way, El Cajon (Assist with acquisition and/or rehabilitation of public facility for homeless shelter)	03C – Homeless facilities 570.201(c) – Capital Expenditure Grant L/M Clientele – 24 CFR 570.208(a)(2)	\$299,307



City Council
Agenda Report

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: City Council Meeting Schedule

RECOMMENDATION:

That the City Council considers canceling its August 24, 2021 meeting.

BACKGROUND:

The City has traditionally canceled one of its August City Council meetings. Staff recommends that the City Council consider canceling its August 24th meeting. However, if there are urgent matters that require City Council attention, this meeting can be re-scheduled.

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: N/A



City Council
Agenda Report

Agenda Item 12.

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Fire Station No. 7 Renovation

RECOMMENDATION:

That the City Council:

1. Authorizes the appropriation of up to \$3,500,000 of Proposition O funding for the Fire Station 7 Project (PS0051);
2. Authorizes the de-appropriation of unexpended amounts of Proposition O funding related to the Public Safety Efficiency Improvements Project (PS0071);
3. Authorizes the appropriation and transfer of \$3,235,000 of General Fund Reserves to the City Capital Improvement Program Fund (501); and
4. Authorizes the appropriation of \$3,235,000 to reestablish the Public Safety Efficiency Improvements (IFM3740) project.

BACKGROUND:

In November 2004, Proposition O was approved by the voters implementing a ½ cent sales tax increase for ten years to improve public safety infrastructure, including building a new public safety facility and a new animal shelter. This proposition also formed the Public Safety Facility Financing Oversight Committee (PSFFOC) to monitor the use of these funds. This sales tax measure concluded in 2015, but residual balances continue to fund a number of active projects.

On May 4, the PSFFOC met to swear in new Committee members, discuss active projects, as well as consider outstanding needs. One such need identified was Fire Station No. 7, which is the only station without significant upgrading during the life of Proposition O. This station has been in need of remodeling and expansion for quite some time. The existing Fire Station was constructed in 1960 and has not experienced any significant updates since its initial construction aside from maintenance. According to the Fire Department, the biggest two challenges are the lack of accommodation for male/female staff and an apparatus bay that is much too small to properly fit a modern fire apparatus. The existing station currently houses only one open dormitory and one communal bathroom, which pose challenges for staff. The existing apparatus bay can only house one small fire truck and its bay door size limits its use.

This project is an ideal candidate for the use of Proposition O funding; however, there is currently insufficient uncommitted funding for this project. One active project, the Public Safety Efficiency Improvements (PS0071) project, was identified as a candidate for alternative funding. This \$3.0 million project was originally budgeted in Fiscal Year 2020. This project's goal is to provide an additional layer of energy resiliency for the Public Safety Center, as well as to

generate operational cost savings. After a thorough discussion between the PSFFOC and City staff, the group concluded that the renovation of Fire Station No. 7 represents a better opportunity to highlight the responsible use of the Proposition O funding. Additionally, this project would be a fitting capstone of a multi-year endeavor that built the Public Safety Center, the Animal Shelter, and with the approval of this report's recommendations, significantly upgraded all four City fire stations.

The goals of the Public Safety Efficiency Improvements project remain relevant. Due to the cost savings (this project will generate approximately \$250,000 annually), staff recommends continuing the project and using General Fund Reserves to replace the Proposition O funding for this project. Staff will return to the City Council for a more detailed report of this project and its projected savings.

The recommendations included in this report establish the Fire Station No. 7 Renovation Project, funded by Proposition O proceeds. Also recommended is canceling the Proposition O funded Public Safety Efficiency Improvements (PS0071) project and appropriating a similar project in the City Capital Improvement Program Fund (501). To fund this new project, the appropriation and transfer of General Fund Reserves are also recommended.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) according to section 15301 (Class 1) (a) of the CEQA Guidelines. Section 15301 (Class 1) (a) provides an exemption for interior or exterior alterations on existing facilities involving such things as partitions, plumbing, and electrical conveyances.

FISCAL IMPACT:

As a result of this action, total Public Safety Facilities Fund (502) appropriations will increase approximately \$470,000. Additionally, City Capital Improvement Program Fund (501) appropriation will increase approximately \$3.2 million, funded by the use of General Fund Reserves.

Prepared By: Yazmin Arellano, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Dave Richards, Senior Management Analyst
SUBJECT: Redistricting Process Update

RECOMMENDATION:

That the City Council receives the report.

BACKGROUND:

This agenda report provides an update regarding the redistricting process in anticipation of the release of the 2020 U.S. Census data. Specifically, this report provides an overview of redistricting, information about the need and selection of a consultant, redistricting laws and principles, timeline, and next steps.

Redistricting Overview

Redistricting is the process of adjusting City Council voting districts so that each district has substantially the same number of voting-aged residents. Cities with voting districts are required to update district maps following the release of the centennial US Census data.

El Cajon transitioned from an at-large to a by-district election process for Councilmembers with the passage of Measure S in November 2016. The Mayor remains elected at-large.

Following the passage of Measure S, the City retained National Demographic Corporation (NDC) to develop the voting district maps and facilitate public hearings. The City also retained the Institute for Local Government to assist with community outreach.

To involve the community in the map's development, the City hosted four public workshops. During the workshops, 125 people participated and the City received 160 maps or map drawings. In June 2017, the City Council approved the current District Election Map. It is important to note that the map was developed using the 2010 US Census data with 2017 demographic estimates.

The transition to City Council districts means that the City must evaluate and potentially adjust its voting districts based on the 2020 US Census. The US Census Bureau plans to release the 2020 Census data on **September 30, 2021**. Ordinarily, this data would be available to cities in March, but due to the pandemic, this date has been delayed several times. To comply with the Voting Rights Act, the City must approve a District Map no later than 205 days ahead of the November 8, 2022, General Election, or **April 17, 2022**.

Redistricting Consultant

The City can take a few steps ahead of the September census release to help with the compacted timeline. For instance, the City can begin outreach and education about the redistricting process as well as host pre-draft map hearings before the census data is received.

The City began an extensive search for demographer vendors in February 2021 and has since received six quotes. Of the quotes received, NDC was the lowest responsive qualified bidder. The City is in the process of executing an agreement with NDC. The agreement will include in-person public hearing facilitation, demographer or line drawing services, and a public online mapping tool.

The quote provides prices for two scenarios: 1) if the district populations are still balanced and no redistricting work is required by law; or, 2) if full redistricting services are needed. The cost for the first scenario is \$4,500, and the cost for the full redistricting process is \$51,000. It is important to note that even if the districts remain balanced, the City Council can always choose to proceed with the full redistricting process.

Redistricting Laws and Principles

There are numerous federal, state, and local redistricting laws with which cities must comply. The City's consultant will address these laws in future presentations, but a general overview is provided here.

The federal Voting Rights Act prohibits "gerrymandering" based on race. "Gerrymandering" is the process of manipulating district boundaries in order to favor one party or class. The Act also allows district maps to be legally challenged by a protected class if the district racially deludes voters. Federal law also requires districts to have substantially equal populations which courts have defined as 10 percent or less deviation between the lowest and highest voting populations.

The courts have also upheld several redistricting principles. For instance, election district maps must keep districts compact, contiguous, defined by visible (natural and man-made) boundaries, and include communities of interests—or groups with similarities other than race. These principles will be discussed further during the redistricting process by the consultant.

Most recently, the California legislature passed AB 849 known as the "Fair and Inclusive Redistrict for Municipalities and Political Subdivisions (FAIR MAPS) Act in 2019", and AB 1276 in 2020. AB 1276 provided cleanup language and clarifications of the FAIR MAPS Act. The FAIR MAPS Act requires cities to take additional steps to increase public engagement in the redistricting process. It increases the number of required public hearings to four, provides for translated materials and live translation services when requested in advance, mandates a redistricting website, and establishes noticing, record keeping, and hearing specifications.

Redistricting Timeline

The expected project timeline is:

- May 2021: Finalize execution of agreement with demographer;
- May – September 2021: Begin community outreach and hold pre-draft map hearings;
- October 2021 – January 2022: Census data received on September 30. Prepare draft maps and hold post-draft map hearings;
- January – April 2022: Approve and adopt election district map and Implement new districts

for November 2022 election.

Next Step

Once an agreement is fully executed with NDC, staff will begin developing an outreach plan, determine the public hearing dates, and create a redistricting website with multi-lingual resources. Staff anticipates launching the public outreach component once an outreach plan has been formalized in conjunction with the public hearing schedule.

FISCAL IMPACT:

The redistricting agreement is anticipated to cost between \$4,500 and \$51,000.

Prepared By: David Richards

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 14.

DATE: May 25, 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

Agenda Item 15.

DATE: May 25, 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:

- May 14, 2021 – SANDAG Board of Directors Meeting
- May 15, 2021 – Arbor Day Celebration
- May 25, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council
Agenda Report

Agenda Item 16.

DATE: May 25, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: Legislative Report

RECOMMENDATION:

Attachments

Legislative Update

CITY COUNCIL MEMORANDUM

DATE: May 25, 2021
TO: City Council
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: LEGISLATIVE UPDATE

SB 5 (Atkins - D) Housing Bond.

Expresses the intent of the Legislature to authorize the issuance of a bond, of an unspecified amount, to fund housing-related programs. (Status: Senate Housing Committee)

SB 6 (Caballero - D) Local Planning. Housing in Commercial Zones.

Would create the Neighborhood Homes Act, which establishes a housing development project as an authorized use on a neighborhood lot, defined as a lot zoned for office or retail commercial that is not adjacent to an industrial use. Duplicate bill to AB 115. Opposed by LCC. (Status: Suspense File/Hearing Pending)

SB 9 (Atkins - D) Housing Development Approvals. Duplexes and Lot Splits.

Would require a local government to ministerially approve a housing development containing two residential units in single-family zones, and would require local governments to ministerially approve urban lot split. LCC opposed. (Status: Suspense file/Hearing pending).

AB 71 (Rivas, Luz - D) Homelessness Funding Bring California Home Act.

Would generate \$2.4 billion of state funding for long-term solutions to homelessness. These funds would go to local governments to invest in housing solutions that take into account a community's unique needs, whether urban or rural. The measure does so by conforming to federal tax law to close corporate tax loopholes and restoring historic corporate tax rates on corporations with \$5 million or more in profits. (Status: Suspense file).

ACA 1 (Aguiar-Curry) Local Government Financing. Affordable Housing and Public Infrastructure. Voter Approval.

Would create an additional exception to the 1 percent limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55 percent of the voters of the city, county, or city and county. (Status: Local Gov't Comm.).

AB 329 (Bonta-D) requires bail to be set at \$0 for all offenses, except serious or violent felonies, violations of specified protective orders, spousal battery, sex offenses, and DUI. (Status: Approp. Comm./Hearings canceled by author).

AB 331 (Jones-Sawyer-D) extends the current July 1, 2021 sunset for organized retail theft punishments indefinitely. (Status: Suspense file).

AB 333 (Kamlager-D) proposes to remove burglary, looting, felony vandalism, and identify fraud from crimes that define a pattern of criminal gang activity. (Status: Committee on Public Safety). (Status: Failed in Assembly).

AB 48 (Gonzalez-D) Prohibits use of kinetic energy projectiles, nor CN or CS gas to disperse as assembly, protest, or demonstration. (Status: Suspense file).

SB 358 (Jones – R) This bill would prohibit a person from entering the curtilage of a residential dwelling, as defined, with the intent to commit theft of a package shipped through the mail or delivered by a public or private carrier. The bill would make a violation of that prohibition punishable as a misdemeanor by imprisonment in a county jail for a term not exceeding one year. For a 3rd or subsequent violation within a 36-month period, the bill would make the crime punishable as a misdemeanor by imprisonment in a county jail for a term not exceeding one year or as a felony by imprisonment in a county jail for 16 months, or 2 or 3 years. By creating a new crime, the bill would impose a state-mandated local program. (Status: Suspense file/Hearing scheduled).

AB 1500/SB 45 (Garcia/Mullin and Portantino – D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022. Competing bills that will need voter approval. The measures would call for the issuance of over \$7B in bonds to fund various programs sought to address issues relating to the title of the measure. A state appointed committee would determine which projects would receive funding based on the project's potential for accomplishing the measure's objectives. (Status: Committee on Appr).

AB 418 – (Valladares – D) – Creates a grant program for cities and counties of up to \$300,000 per year to provide “power resiliency” in the event of a forced power outage by a utility company due to environmental conditions. (Status: Suspend file)

AB 339 – (Lee – D) – Requires City Councils, until 12/23, to provide telephonic and internet based options for public comment opportunities; develop a system to process requests for translation and interpretation services for public meetings; and require translation of agenda documents into more languages than what is currently required in law. Opposed by LCC. (Status: Committee on Appr.)

SB 284 – (Stern – D) - This measure would expand the PTSD presumption for workers' compensation to classifications previously excluded. (Status: Suspend file/Hearing pending).

AB 845 – (Rodriguez – D) - This measure would allow an individual to retire with a disability pension as a result of a COVID-19 illness. Opposed by LCC. (Status: Passed by Assembly. In Senate).

SB 8 (Skinner – D) - This measure would extend the sunset date for the Housing Crisis Act of 2019 from 2025 to 2030. The Housing Crisis Act declared a statewide housing crisis and froze nearly all development-related fees once a developer submits a “preliminary” application, including essential project specific fees. LCC opposed. (Status: Third reading Senate floor).

SB 15 (Portantino – D) - This measure, upon appropriation by the Legislature in the annual Budget Act or other statute, would require the Department of Housing and Community Development (HCD) to administer a program to provide incentives in the form of grants allocated to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of workforce housing. LCC support. (Status: Suspense file/Hearing pending).

AB 989 (Gabriel – D) - This measure would require HCD to establish a housing appeals committee and would establish procedures by which an applicant for a conditional use permit or other discretionary approval for a housing development project, could appeal to that committee the decision of a city or county to either deny the application or approve the application with conditions in a manner rendering it infeasible for the development of the housing development project. LCC opposed. (Status: Suspense File).

AB 215 – (Chiu – D) - This measure would require cities to have a mid-cycle housing element consultation with HCD if housing production is below the regional average; require cities to amend their laws so as to attain HCD’s “pro-housing designation” if housing production is substantially below the regional average; and allow the Attorney General to enforce violations of the Housing Crisis Act of 2019. LCC opposed. (Status: Suspense File).

AB 1401 – (Friedman – D) This measure would prohibit a local government from imposing a minimum parking requirement, or enforcing a minimum parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile walking distance of public transit or located within a low-vehicle miles traveled area. LCC opposed. (Status: Committee of Approp).

SB 621 – (Eggman – D) This measure would authorize a development proponent to submit an application for a development for the complete conversion of a structure with a certificate of occupancy as a motel or hotel into multifamily housing units to be subject to a streamlined, ministerial approval process, provided that development proponent reserves an unspecified percentage of the proposed housing units for lower income households, unless a local government has affordability requirements that exceed these requirements. LCC opposed. (Status: Committee on Gov’t/First hearing was canceled by author).

AB 816 (Chiu – D) - This measure would, on or before January 1, 2023, require each local agency to submit to HCD an actionable county-level plan for meeting specific annual benchmarks, with the goal of reducing homelessness by 90% by 2029. Additionally, this

measure would allow the Inspector General to bring an action against the state, a local agency, or a city to compel compliance with the homelessness action plan. LCC opposed (Status: Suspense file).

AB 89 (Jones-Sawyer – D) - This measure would increase the minimum qualifying age from 18 to 25 years of age, unless the individual has a bachelor's or advanced degree from an accredited college or university. LCC opposed. (Status: Assembly Third Reading).

SB 2 (Bradford – D) - This measure outlines standards for peace officer decertification and eliminates qualified immunity for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the Act. LCC opposed. (Status: Suspense file – hearing pending).

SB 16 (Skinner – D) - This measure would:

- Make every incident involving use of force, sustained findings of unlawful arrests and unlawful searches, and incidents where a peace officer or custodial officer engaged in conduct involving prejudice or discrimination on the basis of specified protected classes to be subject to disclosure
- Require indefinite retention of all complaints and related reports or findings currently in the possession of a department or agency
- Require records subject to disclosure to be provided no later than 45 days from the date of a request for their disclosure, and would impose a civil fine not to exceed \$1,000 per day for each day beyond 30 days that records subject to disclosure are not disclosed. LCC opposed. (Status: Suspense file/hearing pending).

SB 556 (Dodd – D) - Require local governments to make space available on street light poles, traffic signal poles, utility poles, and other public infrastructure to telecommunications providers; and Create ambiguity in the fees local governments can charge for access to their infrastructure. LCC opposes. (Status: Passed the Senate/In Assembly).



City Council
Agenda Report

Agenda Item 17.

DATE: May 25, 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:

- May 10, 2021 – Attend SVP Court hearing
- May 11, 2021 – Email to Allen C. re: Advanced Water Purification (AWP) meetings
- May 12, 2021 – Email to Shane B re: business grant
- May 12, 2021 – Email to Pat H. re: property status on Broadway
- May 12, 2021 – Email to Christian W. re: business grant
- May 12, 2021 – Lunch with Dick Brown, former mayor/supervisor
- May 13, 2021 – MTS Board Meeting
- May 13, 2021 – Email to Amy F. re: inquiry if dispensary on EC Blvd is operating
- May 14, 2021 – Volunteer at Sharp Grossmont COVID-19 vaccination center
- May 15, 2021 – Attend Arbor Day ceremony
- May 15, 2021 – Attend EDCO/City Shredding/Mulch/E-Waste Day
- May 16, 2021 – Email to Estela D. re: UBER program for vaccination sites
- May 17, 2021 – Email to Rob C. re: question on business grant
- May 17, 2021 – Email to Paul N. re: status of code enforcement on Johnson Ave.
- May 17, 2021 – Attend AWP agenda review meeting
- May 18, 2021 – Interview with Priya Sridher from NBC7

May 20, 2021 – Attend AWP Board Meeting
May 21, 2021 – Attend SANDAG Public Safety Committee Meeting
May 24, 2021 – Attend MTS Committee meeting
May 24, 2021 – Meeting with City Manager
May 25, 2021 – Speak at AWP Press Conference
May 25, 2021 – Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Steve Goble, Councilmember



City Council
Agenda Report

DATE: May 25, 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:

May 14, 2021 – Vaccination Clinic at El Cajon Police Department
May 17, 2021 – Lunch meeting with Carl Sherbaum, EDCO
May 25, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Mayor Pro Tem



City Council
Agenda Report

Agenda Item 19.

DATE: May 25, 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:

May 11, 2021 – Interview with Union Tribune regarding Vaccinations

May 12, 2021 – Pacific Southwest Association of Realtors (PSAR) Meet & Greet

May 13, 2021 – Council on Foreign Relations – Topic: Confronting Extremism at the Municipal Level Zoom meeting

May 13, 2021 – Email to Supervisor Joel Anderson and his staff regarding the four sex offender group homes along Mollison Ave.

May 14, 2021 – Virtual Albondigas Meet & Greet with San Diego City Councilmember Marni Von Wilpert

May 15, 2021 – Wells Park Arbor Day Celebration

May 18, 2021 – Interview with NBC regarding Vaccinations

May 19, 2021 – Coronavirus State and Local Fiscal Recovery Funds: U.S. Department of the Treasury Guidance Zoom call

May 21, 2020 – East County Homeless Task Force Zoom meeting on Youth Homelessness Solutions

May 25, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



City Council
Agenda Report

Agenda Item 20.

DATE: May 25, 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:

- May 14, 2021 – Interview with Union Tribune
- May 15, 2021 – Arbor Day Celebration
- May 20, 2021 – Chamber of Commerce Golf Tournament
- May 25, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Councilmember



City Council
Agenda Report

Agenda Item 21.

DATE: May 25, 2021

TO: City Clerk

FROM: City Attorney/General Legal Counsel

SUBJECT: Closed Session - Conference with Legal Counsel - Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9: One (1) potential case: Elia Law Firm, on behalf of Sara Bahnam, has submitted a Claim for Damages alleging losses suffered following a trip and fall on a sidewalk maintained by the City of El Cajon

RECOMMENDATION:

That the following Closed Session be scheduled for the Joint City Council / Housing Authority / Successor Agency to the El Cajon Redevelopment Agency meeting on Tuesday, May 25, 2021, at 3:00 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9

NAME OF CASE:

One (1) potential case: Elia Law Firm, on behalf of Sara Bahnam, has submitted a Claim for Damages alleging losses suffered following a trip and fall on a sidewalk maintained by the City of El Cajon

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms



City Council
Agenda Report

DATE: May 25, 2021
TO: City Clerk
FROM: City Attorney/General Legal Counsel
SUBJECT: 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, et al.
San Diego Superior Court Case No. 37-2019-00001896-CU-PO-CTL

RECOMMENDATION:

That the following Closed Session be scheduled for the Joint City Council / Housing Authority / Successor Agency to El Cajon Redevelopment Agency meeting agenda on Tuesday, May 25, 2021, at 3:00 p.m.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9

NAME OF CASE:

David Homoki vs. City of El Cajon, et al.
San Diego Superior Court
Case No. 37-2019-00001896-CU-PO-CTL

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms
