



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

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

JUNE 8, 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 25, 2021, Meeting and the Agenda of the June 8, 2021, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

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 25, 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.

PUBLIC COMMENT:

At this time, any person may address a matter within the jurisdiction of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency that is not on the Agenda. Comments relating to items on today's docket are to be taken at the time the item is heard. State law prohibits discussion or action on items not on the Agenda; however, Council, Authority and Agency Members may briefly respond to statements or questions. An item may be placed on a future Agenda.

WRITTEN COMMUNICATIONS:

PUBLIC HEARINGS:

ADMINISTRATIVE REPORTS:

4. Evidence of Residency for Mayor and City Council Candidates

RECOMMENDATION:

That the City Council provides feedback on a proposed policy to collect evidence of residency for the offices of Mayor and City Council Candidates.

5. Fiscal Year 2021-22 Preliminary Annual Budget

RECOMMENDATION:

That the City Council, Housing Authority, and the City of El Cajon as Successor Agency to the former Redevelopment Agency receives information related to the proposed Fiscal Year 2021-22 Preliminary Annual Budget.

6. American Rescue Plan Act - Eligible Use of Funds & Current Programs Update

RECOMMENDATION:

That the City Council provides direction regarding possible uses of American Rescue Plan Act funds.

7. COVID-19 Status Report

RECOMMENDATION:

That the City Council provides direction regarding the format of City Council and Planning Commission meetings after the June 15, 2021 “Beyond the Blueprint” direction from the State of California.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS

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

8. Council Activity Report
9. Legislative Update

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

10. **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.
11. **MAYOR PRO TEM GARY KENDRICK**
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.
12. **COUNCILMEMBER MICHELLE METSCHEL**
Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.
13. **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

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

RECOMMENDATION:

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

An Ordinance to Amend Sections 12.09.030 and 12.09.060 of the El Cajon Municipal Code to eliminate the need for a Conditional Use Permit for sidewalk dining in the City.

CLOSED SESSIONS:

ADJOURNMENT: The Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 8th day of June 2021, is adjourned to Tuesday, June 22, 2021, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: June 8, 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 25, 2021, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

05-25-21 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 25, 2021

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, May 25, 2021, was called to order by Mayor/Chair Bill Wells at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers 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 May 11, 2021, Meeting and the Agenda of the May 25, 2021, Meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

- Youth of the Year Awards
- San Diego County Fair
- America on Your Street

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 6)

MOTION BY WELLS, SECOND BY ORTIZ, to APPROVE Consent Items 1 to 6.

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 May 11, 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.

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CONSENT ITEMS: (Continued)

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

Adopts Resolution No.043-21 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

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

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:

Ivan Andujar, representing the East County Transitional Living Center provided an update on upcoming projects at the center.

WRITTEN COMMUNICATIONS: None

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.

DISCUSSION

Deputy Director of Public Works, Dennis Davies, provided detailed information on the Item.

Mayor Wells opened the Public Hearing.

Maxim Moyal stated that his tenant was responsible for the refuse agreement with Waste Manager.

City Attorney Foley stated that the City ordinance makes the legal owner of the property responsible for refuse charges.

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

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY ORTIZ, SECOND BY METSCHEL, to ADOPT Resolution No. 044-21A through 044-21E confirming the list of property owners as delinquent in the payment of their mandatory trash service bills; and Authorizes the City Clerk to record the amount owed as a lien on the property and forward the list to the County Tax Assessor for billing on the next property tax bill.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Continued)

- 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).

DISCUSSION

City Traffic Engineer, Mario Sanchez, provided detailed information on the Item.

Mayor Wells opened the Public Hearing.

No comments were received for the Item.

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

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY ORTIZ, SECOND BY GOBLE, to ADOPT Resolution No. 045-21 to approve the amendment to the proposed five-year program of projects for the SANDAG Regional Transportation Improvement Program (RTIP No.21-03).

MOTION CARRIED BY UNANIMOUS VOTE.

- 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.

PUBLIC HEARINGS: (Item 9 - Continued)

DISCUSSION

Director of Community Development, Anthony Shute, provided detailed information on the Item.

Mayor Wells opened the Public Hearing.

No comments were received for the Item.

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

MOTION CARRIED BY UNANIMOUS VOTE.

Councilmember Goble praised the efforts to streamline and make process easier for businesses.

MOTION BY GOBLE, SECOND BY ORTIZ, to INTRODUCE the next Ordinance, in order, removing the requirement for a Conditional Use Permit for outdoor dining and drinking on City sidewalks.

MOTION CARRIED BY UNANIMOUS VOTE.

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

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

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;

PUBLIC HEARINGS: (Item 10 - Continued)

- 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.

DISCUSSION

Housing Manager, Jamie van Ravesteyn, provided detailed information on the Item.

Conversation ensued amongst Council and Staff regarding:

- Housing Navigators;
- Motel voucher program;
- Outreach to citizens regarding housing opportunities; and
- Opportunity for companies who did not previously received funding.

Mayor Wells opened the Public Hearing.

Rick Wilson, President & CEO of the San Diego Regional East County Chamber of Commerce submitted an online comment in support of the Item.

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

MOTION CARRIED BY UNANIMOUS VOTE.

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PUBLIC HEARINGS: (Item 10 - Continued)

MOTION BY GOBLE, SECOND BY KENDRICK, to AMEND the FY 2019-20 One-Year Action Plan to 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; 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; 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 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.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

11. City Council Meeting Schedule

RECOMMENDATION:

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

DISCUSSION

City Manager Mitchell, provided detailed information of the Item.

No comments were received for the Item.

MOTION BY ORTIZ, SECOND BY METSCHEL, to CANCEL the August 24, 2021 meeting.

MOTION CARRIED BY UNANIMOUS VOTE.

Remainder of page intentionally left blank.

ADMINISTRATIVE REPORTS: (Continued)

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.

DISCUSSION

Director of Public Works, Yazmin Arellano, provided detailed information of the Item.

Councilmembers spoke in support of the Item, and encouraged staff to provide before, during and after pictures of the renovation project.

City Manager Mitchell clarified the need to expend Prop O funds for public safety improvements.

No comments were received for the Item.

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

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

13. Redistricting Process Update

RECOMMENDATION:

That the City Council receives the report.

DISCUSSION

Senior Management Analyst, David Richards, provided detailed information of the Item.

Conversation ensued amongst Council and Staff regarding:

- Intensive outreach efforts for active public participation;
- Results of re-districting efforts to be completed before the 2022 Election; and
- Clarification that the current Councilmembers will remain in their position until the end of their term, even if districts lines are changed by the re-districting process.

No comments were received for the Item.

MOTION BY GOBLE, SECOND BY METSCHEL, to ACCEPT the report.

MOTION CARRIED BY UNANIMOUS VOTE.

14. COVID-19 Status Report

RECOMMENDATION: No action required.

DISCUSSION

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

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.

15. Council Activities Report/Comments

Report as stated.

16. Legislative Report

Assistant City Manager DiMaggio provided a comprehensive report on the Legislative Bills of interest to the City and highlighted the following bills:

- SB 8 – Housing Crisis Act of 2019
- AB 989 – Housing Accountability Committee
- AB 1401 – Residential and commercial development: Parking requirements
- SB 621 – Conversion of motels and hotels
- AB 816 – Homeless plan
- SB 2 – Peace officers: Certification: Civil rights; and
- SB 556 – Street light poles, traffic signal poles: Small wireless facilities attachments

MOTION BY WELLS, SECOND BY KENDRICK, to SEND letters of opposition on bills that will negatively impact the City of El Cajon.

MOTION CARRIED BY UNANIMOUS VOTE.

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.

In addition to the submitted report, Councilmember Goble provided an update on the advanced water purification project.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

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.

In addition to the submitted report, Councilmember Metschel stated that the meeting scheduled with the East County Homeless Task Force was cancelled.

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.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION - None

CLOSED SESSIONS:

RECOMMENDATION: That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency adjourned Closed Session as follows:

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

MOTION BY WELLS, SECOND BY ORTIZ, to ADJOURN to Closed Session at 4:30 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

RECONVENE TO OPEN SESSION AT 4:52 p.m.

City Attorney Foley reported the following actions:

21. City Council gave direction to the Legal Counsel and the Risk Manager
22. The City settled the case by payment of \$15,000.

Adjournment: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 25th day of May, 2021, at 4:53 p.m., to Tuesday, June 8, 2021, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary



City Council
Agenda Report

DATE: June 8, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Morgan Foley, City Attorney
SUBJECT: Evidence of Residency for Mayor and City Council Candidates

RECOMMENDATION:

That the City Council provides feedback on a proposed policy to collect evidence of residency for the offices of Mayor and City Council Candidates.

BACKGROUND:

In order to maintain the integrity of City elections of the Mayor and Councilmembers, to prevent fraud, and avoid election challenges, particularly as a result of the creation of district elections of Councilmembers, it has been requested that Staff research whether the City can require candidates for these offices to provide proof of residency in the City or applicable Councilmember district in addition to confirmation from the County Registrar of Voters ("ROV") that the candidate is registered to vote at the declared address.

Under California law and Chapter 1.18 of the El Cajon Municipal Code, candidates for the office of Mayor must be a resident of the City, and candidates for offices of Councilmember must be a resident of the district they wish to represent. Due to the ease by which a person can change their residence through the lease of a house, apartment, condominium, mobile home, or townhome, or purchase of a second home, for example, a candidate might have a more transitory lifestyle and reside in more than one location at any point in time.

Various California laws provide a mixture of guidance in defining "residence" for purpose of elections. While the Government Code has long held that "[e]very person has . . . a residence," (Govt. Code section 243), and provides guidance of determining a person's place of residence ("It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose,") (Govt. Code section 244(a)), these laws often conflict with interpretations by the courts and additional provisions of the Elections Code.

For example, the courts have struggled with a definition of "residency" for election purposes, and recognize that there are certain "shades of meaning" in defining residence. As a result the courts recognize that a person can have more than one residence, but only one "domicile," meaning not only a person's act or conduct of residing in a location of residence but doing so with an intention to remain at that location.

In an effort to clarify residence the Legislature adopted Elections Code section 349 codifying such court opinions recognizing "domicile" as the only definition of residence, for election purposes. Section 349 makes it clear that while a person may have more than one residence, they only have one domicile at any point in time.

What is very clear is that a candidate's residence, or more appropriately, domicile, is determined by not only physical address but the candidate's "intent." It is where the candidate intends to remain, and when absent from that location, the place to which the person has the intention of returning. Therefore, the declarations, or certifications, of candidates must be taken into consideration, as well as any other factors when the issue of domicile is raised.

Rather than making the City Clerk, as the City's elections official, struggle to determine each candidate's intent through an analysis of other documents or evidence in determining residency, the City has long relied upon the confirmation of the "ROV" that the candidate is registered to vote at the address indicated on their nomination papers. The City Attorney and the City Clerk recommend that the City Council affirms that this procedure remains adequate for the City's purposes. Although a charter city, such as El Cajon, can conduct its own elections, and establish its own procedures in conducting its elections, the overarching concept of one's domicile as identified by the ROV, for determining qualification for holding office, should not be disturbed.

However, while it is recommended that the City Clerk not alter her long-held practice of confirmation of voter registration through the ROV, we do offer a suggestion that might prove beneficial to the public and to all candidates involved in future elections. That is, a policy whereby each candidate is asked to deliver to the City Clerk, along with their nomination papers, evidence of domicile at the stated location. This policy could detail examples of materials to be submitted, including such items as copies of a current driver's license (or California issued identification card); copies of a grant deed (or recording information of a grant deed) if the candidate owns the home where domiciled or, if a renter, a copy of a current lease; copies of current utility bills; copies of property tax statements; as well as a separate declaration from the candidate, under penalty of perjury, that the address where registered to vote is intended as that person's domicile as defined in Elections Code section 349. A form of declaration can be drafted by the City Attorney and tailored for each candidate's circumstances.

In addition, such evidence would be available to the public for review under the California Public Records Act, with redaction of personal information that would be irrelevant to determining a candidate's intent, if copies are requested. Finally, each candidate should have the option of declining to provide such information, which would be an election made on a form prepared for these purposes and available for public review and copying, making the provision of any or all of the information requested under the policy completely voluntary.

After considering this report and the presentation from the City Attorney and City Clerk, Staff seeks City Council direction on this topic and can return with the necessary documents and resolution to implement this or such other process described the City Council.

Prepared by: Morgan L. Foley, City Attorney
Approved by: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: June 8, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Clay Schoen, Director of Finance
SUBJECT: Fiscal Year 2021-22 Preliminary Annual Budget

RECOMMENDATION:

That the City Council, Housing Authority, and the City of El Cajon as Successor Agency to the former Redevelopment Agency receives information related to the proposed Fiscal Year 2021-22 Preliminary Annual Budget.

BACKGROUND:

Information related to City of El Cajon Fiscal Year 2021-22 Preliminary Annual Budget is presented for discussion at the June 8, 2021, regularly scheduled City Council meeting. This meeting is held in advance of the June 22, 2021, regularly scheduled City Council meeting, where this budget will be submitted for the City Council's final consideration. This forum introduces information regarding projected current year activity, status of the economy, Fiscal Year 2021-22 estimated revenues and departmental summaries, and estimated reserve balances. This information is offered in advance to allow time for discussion before the budget is presented for adoption.

Once the Fiscal Year 2021-22 Preliminary Budget Summary is available, it will be accessible electronically on the City's website at the following link:
www.cityofelcajon.us/your-government/departments/finance/budgets-financial-policies.

FISCAL IMPACT:

There is no direct financial impact resulting from the presentation of this information. The City of El Cajon Fiscal Year 2021-22 Preliminary Annual Budget will be presented for adoption at the June 22, 2021, regularly scheduled City Council meeting.

Prepared By: Clay Schoen, Director of Finance
Reviewed By: N/A
Approved By: Graham Mitchell, City Manager

Attachments

Budget Letter from City Manager
Budget at a Glance
Preliminary Budget Cover



City Manager

June 8, 2021

Honorable Mayor, City Council, and El Cajon Residents:

I am pleased to present the City of El Cajon Fiscal Year 2021-2022 (FY 2021-22) Annual Budget. The annual budget establishes funding priorities for the community and supports the City Council's goals, policies, and objectives for the coming year. The budget document serves as the City's financial plan based on the Five-Year Business Plan and the Annual Financial Report. The City's budget focuses on priorities such as fiscal stability, public safety, public infrastructure, and community (such as recreation, beautification, and public events) as well as the five main priorities established through the City Council 2021-22 Priorities & Implementation Plan process. Those priority areas include:

- Communication/Civic Engagement,
- Economic Development,
- Enhancing City Image,
- Homelessness, and
- Public Safety.

Review of Fiscal Year 2020-21 Budget

The global pandemic—and reactions to it—threatened the City's financial stability this past year. As such, the FY 2020-21 budget anticipated a downturn in revenue and included cost control measures. I am pleased to report that revenues in the previous fiscal year were not as dire as anticipated (in part due to the pro-business spirit of our community) and expenditures were strictly controlled. The FY 2020-21 budget anticipated relying on approximately \$3.6 million from General Fund reserves to meet the City's obligations and community needs. However, I am happy to report that current estimates suggest the City required much less of "rainy day" funds to weather the financial impacts of COVID-19.

Summary of Fiscal Year 2021-22 Budget

The FY 2021-22 budget assumes encouraging growth over the past year's revenue and is able to lift some of the cost-saving measures put into places last fiscal year, such as freezing vacated positions.

The following points highlight several elements of the FY 2021-22 budget:

- General Fund revenues total \$83.6 million, \$9.6 million more than last year's budgeted amount—a 12.9% increase.
- General Fund expenditures total \$83.6 million, an increase of \$538,076 from last year's budget—a 0.6% increase.
- At the end of FY 2021-22, the budget anticipates a combined General Fund balance and reserve of \$42.2 million, which is approximately \$498,201 better than anticipated last year.
- An infusion of approximately \$30 million in American Rescue Plan funds will aid the City in its efforts to meet community needs through the next three years.
- The City's 43 non-General Fund budgets, with combined expenditures of nearly \$107.6 million in FY 2021-22, support many of the City's objectives.

I am proud to say that the FY 2021-22 budget maintains service levels while meeting other priorities, such as supporting the City Council's 2021-22 Priorities and Implementation Plan. The following sections demonstrate how community priorities are accomplished through this budget.

Fiscal Stability

The FY 2021-22 budget maintains a strong General Fund reserve of over \$42 million—50.5% of the General Fund's annual expenditure. This balance will protect the City in the event of an economic or natural disaster and will allow the City to maintain services. During the upcoming fiscal year, the City will continue to seek strategies to reduce costs while augmenting revenue through economic development initiatives.

Economic Development

The FY 2021-22 budget includes \$1.0 million for economic development activities from the General Fund. A significant amount of this allocation is for development agreements entered into over the past few years to facilitate vital development (Courtyard Marriott and new car dealerships—BMW, Honda, and Mercedes Benz). Other monies have been allocated for business development activities related to the City's Opportunity Zones, business attraction effort, redevelopment opportunities, and economic development assessment study. The budget also reflects over \$5.0 million in business assistance programs through the American Rescue Plan funds.

Public Safety

The FY 2021-22 budget reflects filling all vacant police positions as well as compensation increases in order to attract and retain professional and trained staff. This budget also reflects the Police Department's ongoing use of the Special Enforcement Unit to address quality of life issues including the impacts of homelessness on the community. Additional funding toward homeless programs and reacting to homelessness continues to be a budget priority in FY 2021-22.

Public Infrastructure/ Enhanced Public Image

Throughout FY 2021-22, the City will continue to implement its aggressive street maintenance program by allocating various transportation funds toward street paving, installation of sidewalks, and improvements to drainage systems. In addition, about \$25 million in grant and non-General Fund monies will improve vehicle/pedestrian/bicycle safety and ADA improvements. Significant improvements are budgeted for projects on Jamacha Road, Madison Avenue, El Cajon Boulevard, and Main Street. Other projects funded in the FY 2021-22 budget include the Broadway Creek Restoration project, Wells Park improvements, and a significant energy

efficiency/solar project. These projects, along with efforts regarding homelessness, economic development, and code enforcement, strive to enhance the image of the community.

SANDAG Smart Growth Grant funding (\$5 million) and San Diego River Conservancy Prop 68 Grant funding (\$500,000) was obtained for improvements along El Cajon Boulevard and Main Street to revitalize the areas surrounding the El Cajon Transit District and the Main Street corridor between Marshall Avenue and El Cajon Boulevard. Of the approximate \$40 million in appropriation for infrastructure improvements in FY 2021-22, about \$38 million is from non-General Fund sources.

Homelessness

Through various funding sources, the FY 2021-22 budget addresses many aspects of homelessness. The City will fund programs aimed to help individuals and households secure permanent housing and to mitigate negative impacts of homelessness in the community. The budget supports the following homelessness and homeless prevention programs in FY 2021-22:

- Homeless Outreach & Housing Assistance,
- A Way Back Home Reunification Program,
- Emergency Shelter,
- Emergency Rotational Shelter,
- Emergency Motel Bridge to Permanent Housing,
- East County Homeless Task Force,
- Neighborhood Quality of Life Team,
- City Homeless Outreach Program,
- Emergency Rental/Mortgage/Utility Assistance, and
- Support to various organizations providing homelessness and homelessness prevention services.

Community (Recreation, Culture, and Public Events)

The FY 2021-22 budget allocates resources to community events and recreation. The budget funds important community events such as the Fourth of July Celebration, HauntFest, Mother Goose Parade, and movies in the parks. This year's budget also includes two new events—America on Your Street and the El Cajon Food/Craft Festival. The FY 2021-22 budget reflects program costs associated with Recreation Dollar Days, a program aimed at increasing use of the City's recreation programs as the City emerges from the COVID-19 pandemic. The FY 2021-22 budget includes allocations of funds for ongoing improvements at Wells Park and new playground surfacing at Bill Beck Park.

The FY 2021-22 budget supports the City's six community centers, four with gymnasiums, and a public swimming pool. Core recreation classes, such as dance, tumbling, cheer, gymnastics, preschool, swim, youth sports and adult enrichment classes will be expanded to meet the diverse needs of the community. With the introduction of Dollar Days, funded through the American Rescue Plan funds, residents will experience greater access to the City's amenities and classes this fiscal year.

Communication/Civic Engagement

Through feedback tools, the City will continue to refine its communication with El Cajon residents and businesses, with an emphasis on engaging with its diverse community. The City freeway sign

will assist in this effort along with improvements to its social media messaging. These efforts will strengthen the City's relationship with those it is charged to serve.

Conclusion

The FY 2021-22 budget represents a fiscally sound plan that effectively addresses the fiscal realities facing cities in California. It allocates scarce resources to meet community needs and priorities. Lastly, it establishes budgeting patterns that will ensure the City's fiscal health for years to come.

This budget document is the result of the dedicated effort of the entire City of El Cajon team, led by the Finance Department. The Finance Department, working with all City departments and the executive team, has prepared a budget that reflects the values and vision set forth by the City Council. The City Council's continued leadership, stability, and foresight continue to be the primary ingredients in El Cajon's success.

Finally, under the direction of the City Council, I am honored to lead a team of dedicated municipal employees with a passion to serve the El Cajon community. I have been impressed by City staff's commitment to serving the community this past year in light of the pandemic and am proud that their commitment never wavered. I am excited for the upcoming year with a renewed focus on meeting community needs and fulfilling City Council priorities.

Respectfully submitted,



Graham Mitchell
City Manager

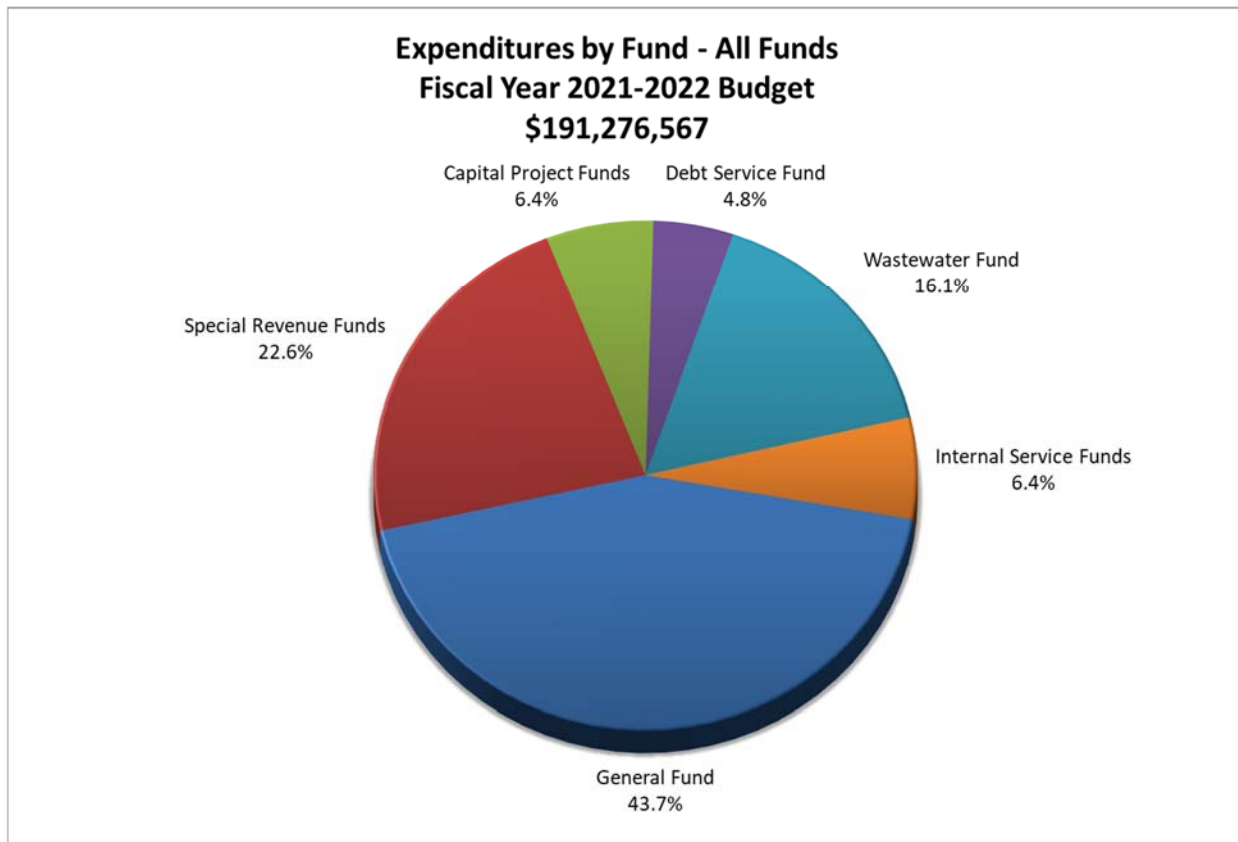


Budget at a Glance

Fiscal Year 2021-22

(Proposed)

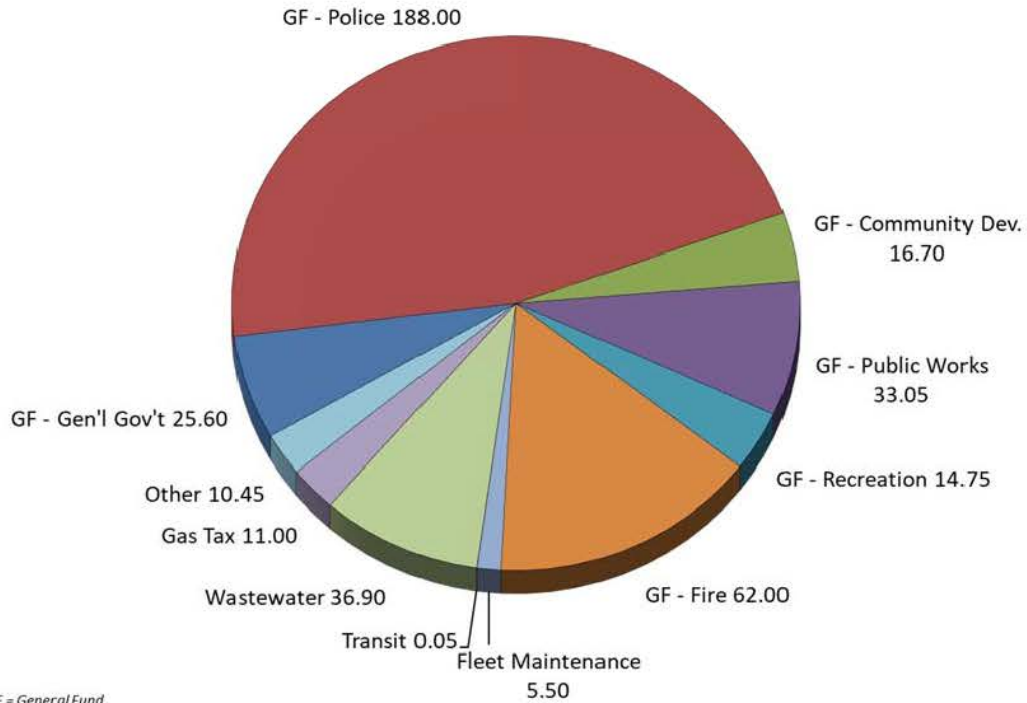
June 8, 2021



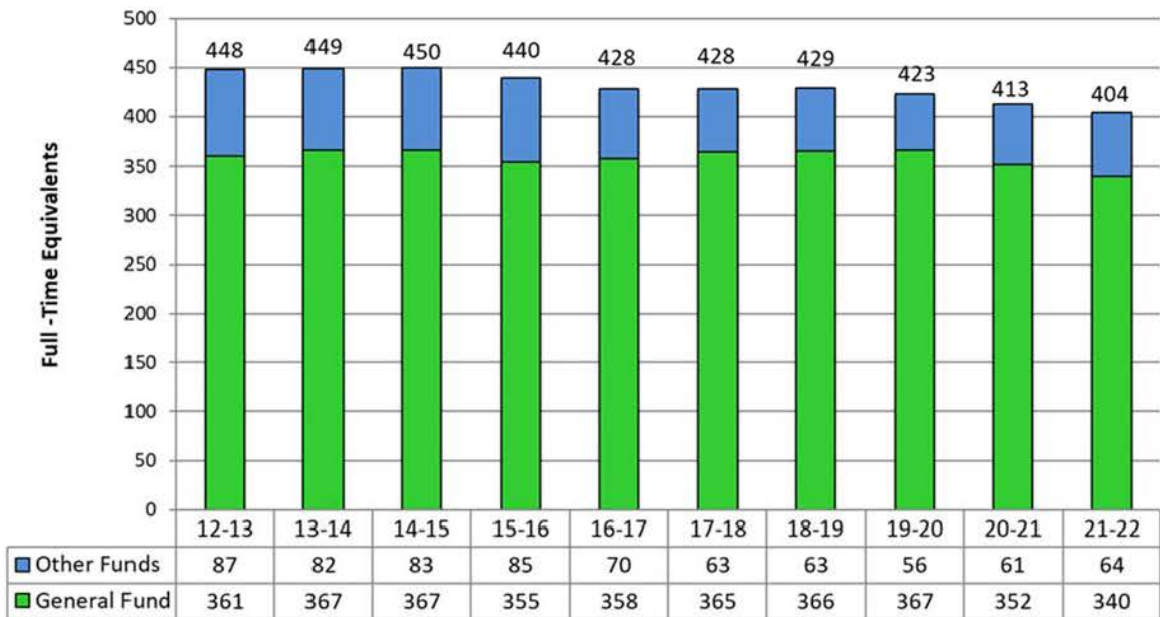
Total City Fiscal Year 2021-22
Proposed Expenditure Budget

General Fund	\$ 83,639,061
Special Revenue Funds	43,136,784
Capital Project Funds	12,243,800
Debt Service Fund	9,119,116
Wastewater Fund	30,837,556
Internal Service Funds	12,300,250
	<u>\$ 191,276,567</u>

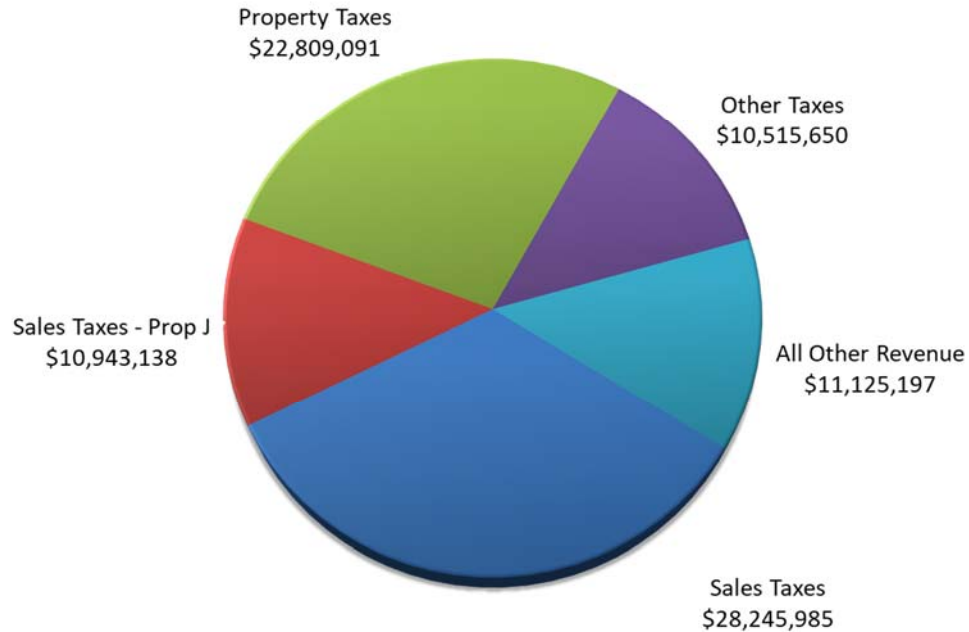
Full-Time Equivalents (FTE) All Funds - 404 FTE Positions Fiscal Year 2021-22 Proposed



Budgeted Full-Time Equivalents (FTEs) General Fund and All Other Funds Fiscal Years 2012-13 to 2021-22

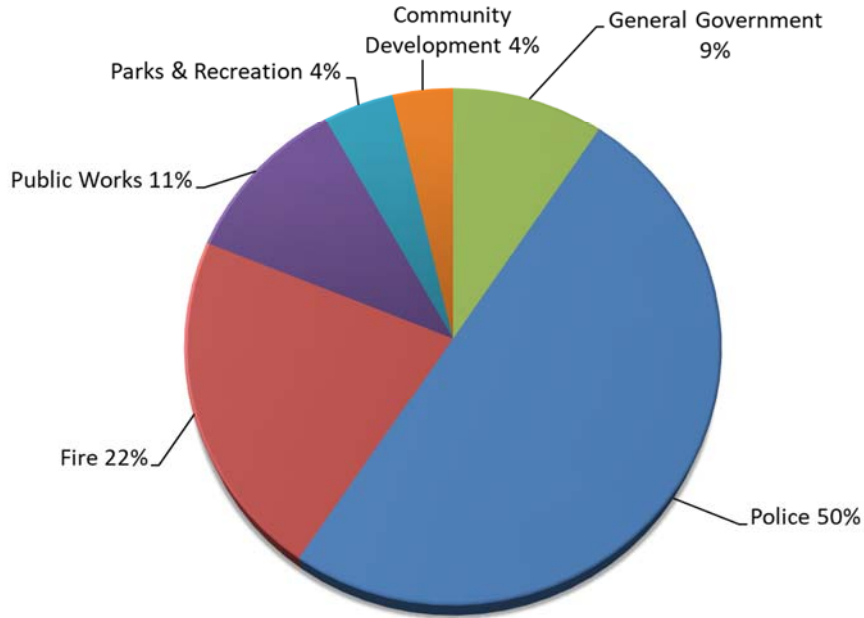


**General Fund Revenues and Other Sources
Fiscal Year 2021-22 Budget
\$83,639,061**



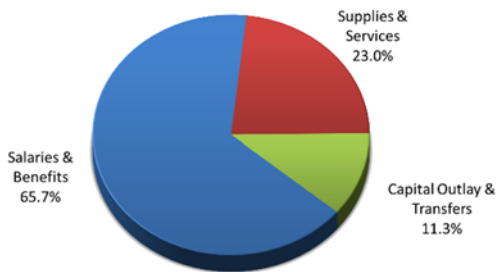
General Fund Revenue Category	FY 2020-21 Estimated Actual	FY 2021-22 Preliminary Budget	Increase / (Decrease)
Sales Tax	\$ 25,117,883	\$ 28,245,985	\$ 3,128,102
Sales Tax (Proposition J)	9,790,004	10,943,138	1,153,134
Property Taxes	9,757,671	10,294,343	536,672
Property Taxes In Lieu - MLVF	10,440,519	11,014,748	574,229
Property Taxes - RPTTF Distribution	1,500,000	1,500,000	-
Franchise Fees	6,178,227	6,553,000	374,773
All Other Taxes	3,391,847	3,962,650	570,803
Permits & Fees	1,673,785	1,819,000	145,215
Charges for Services	2,958,679	2,863,980	(94,699)
Investment Earnings	800,000	800,000	-
All Other Revenues	4,060,908	5,642,217	1,581,309
TOTALS	\$ 75,669,523	\$ 83,639,061	\$ 7,969,538

**General Fund Expenditures and Other Uses
By Department - Fiscal Year 2021-22 Budget
\$83,639,061**



General Fund Department Expenditures	FY 2020-21 Amended Budget	FY 2021-22 Preliminary Budget	Increase / (Decrease)	% Change
General Government	\$ 6,966,506	\$ 7,814,578	\$ 848,072	12.2%
Police	38,364,561	41,314,645	2,950,084	7.7%
Fire	16,943,527	17,874,511	930,984	5.5%
Public Works	8,667,193	8,891,338	224,145	2.6%
Parks & Recreation	3,349,351	3,636,513	287,162	8.6%
Community Development	2,574,847	3,107,476	532,629	20.7%
Other Financing Uses	6,235,000	1,000,000	(5,235,000)	(84.0)%
TOTALS	\$ 83,100,985	\$ 83,639,061	\$ 538,076	0.6%

**General Fund Expenditures By Type
Fiscal Year 2021-2022 Budget**



**General Fund Fiscal Year 2021-22
Proposed Expenditure Budget**

Salaries & Benefits	\$ 54,926,837
Supplies & Services	19,273,704
Capital Outlay & Transfers	9,438,520
TOTALS	\$ 83,639,061

PRELIMINARY ANNUAL BUDGET SUMMARY



The Valley of Opportunity



FISCAL YEAR 2021-2022



[HTTPS://WWW.CITYOFELCAJON.US/YOUR-GOVERNMENT/DEPARTMENTS/FINANCE/BUDGETS-FINANCIAL-POLICIES](https://www.cityofelcajon.us/your-government/departments/finance/budgets-financial-policies)

CITY OF EL CAJON



City Council Agenda Report

Agenda Item 6.

DATE: June 8, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: American Rescue Plan Act - Eligible Use of Funds & Current Programs Update

RECOMMENDATION:

That the City Council provides direction regarding possible uses of American Rescue Plan Act funds.

BACKGROUND:

The purpose of this agenda item is for the City Council to receive a report on uses eligible for funding under the American Rescue Plan Act (ARPA) and how ARPA funds already appropriated by the City Council have been utilized. The report also puts forth staff recommendations on how the City Council may wish to appropriate funds. Staff is not seeking City Council direction on specific recommendations at this time, but more general direction in order to prepare for a presentation later in June or July 2021.

Eligible Uses of ARPA Funds

The United States Treasury Department has published several documents to help guide local governments in determining eligible expenditures under ARPA. Between an 8-page fact sheet ([SLFRP-Fact-Sheet-FINAL1-508A.pdf \(treasury.gov\)](#)) and the 151-page Interim Final Rule document ([Interim Final Rule \(treasury.gov\)](#)) staff has identified categories of eligible expenditures. For each of those eligible items, staff has included several examples of how El Cajon could best utilize the funds. Also, staff includes several suggested criteria for how the City Council may wish to prioritize which projects/programs to fund.

Overall, ARPA's intent is to support immediate pandemic responses, bring back jobs, and lay the groundwork for a strong and equitable recovery. Based on this foundational premise, the U.S. Treasury Department identified four areas of concern:

- Support urgent COVID-19 response efforts to decrease the spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

U.S. Treasury identified the following five eligible categories of expenditures:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harm to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

It is also clear from the U.S. Treasury that funds used to replace local government revenue shortfalls are not to remain in a reserve fund. Rather, the intent is for local governments to spend these funds on any municipal services deemed necessary. However, funds cannot be used to pay for pension debt or to finance reduced tax rates.

COVID-19 Response & Mitigation Efforts

This eligibility category covers a wide range of possible activities. The City Council has appropriated \$100,000 toward removing vaccination barriers and the City will seek to recover any expenses not already reimbursed in its response to COVID-19 (childcare services for essential workers, installing safety measures at City facilities, etc.).

Staff believes that much of the response and mitigation efforts are concluding. As such, staff does not recommend allocating ARPA funds to additional activities, except for pending reimbursements for efforts taken by the City.

Economic Impacts to Households & Businesses

The City has allocated much of its COVID-19 related funds to programs to support households and businesses impacted by the pandemic. Prior to receiving ARPA funds, nearly \$4.2 million in funding was allocated to business grants, rent/utility assistance, food assistance, and homeless programs. The City Council has appropriated \$5 million in ARPA for business grants, \$700,000 for residents to receive virtually free recreational programming, \$225,000 for business license assistance, and \$150,000 for the El Cajon Foodie Fest (with crafts, booths, and entertainment).

Other possible projects that fall under this category could include providing public improvement incentives to promote new development and funding to assist with additional economic development strategies and planning.

Replace Public Sector Revenue

This eligibility category is relatively straightforward. Using the methodology provided by U.S. Treasury, the City could calculate up to \$6.5 million as lost revenue or projected lost revenue. The City Council has already earmarked at least \$10 million for this purpose.

As indicated earlier in this report, these funds cannot be used to replenish City coffers, but must be used for providing municipal services or programs. This provides a wide range of options for City Council consideration. Some of those options that would enhance the community or bolster the City's financial position could include:

- Upgrading parks with amenities,
- Enhance public safety,
- Beautify the City with street enhancements, sign program, and sidewalk repairs, and
- Install additional solar and batteries at City facilities to reduce the City's carbon footprint and generate significant utility savings.

Premium Pay for Essential Workers

The concept of premium pay for essential workers is complex. The "Interim Final Rule," published by U.S. Treasury identifies nearly forty types of essential workers that work in the essential critical infrastructure sectors (i.e. health care, emergency response, sanitation, grocery stores, restaurants, biomedical, education, municipal, elections work, etc.).

Determining who is eligible under the criteria set out in the U.S. Treasury rules would be challenging. Furthermore, calculating who was most essential and how much each essential group should receive would be extremely difficult. As such, staff recommends that no ARPA funds are spent on this eligibility category.

Invest in Water, Sewer, and Broadband Infrastructure

ARPA allows funds to be spent on projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service. The U.S. Treasury encourages these projects to include project labor agreements, offer prevailing wage, and include local hire provisions. Also, expenditures in this category require additional reporting requirements.

Criteria for Allocating Funds

The City Council has discussed, in previous meetings, several guiding factors to consider as funds are allocated. Staff relied on thoughts shared by the City Council as well as several other factors and has developed the following criteria that it recommends be used to decide how ARPA funds should be allocated:

1. Expenditures should not be ongoing,
2. Lasting community impact,
3. Meets a community need,
4. Results in savings or revenue generation for the City which will strengthen the City's fiscal position so that additional services can be provided,
5. Compliments the City's current mission, and
6. Ensures equitable benefit to all El Cajon stakeholders.

Given those criteria and based on survey data from the community, staff presents possible projects that meet U.S. Treasury guidelines for the eligible categories (see attachment). Staff presents these as possible projects for City Council discussion, questions, and feedback. Based on that feedback, staff will bring back formal proposals at the June 22nd or July 13th City Council meeting.

Report on Current ARPA Programs

Up to this point, the City Council has appropriated about \$16 million for specific programs. The table below provides a status report on those programs.

Project	Category	Appropriation	Expended/ Committed
Replace Reduced Revenue	Replace Revenue	\$10,000,000	\$0
Small Business Grant Program	Assistance to Households/ Businesses	\$5,000,000	\$35,000
Business License Assistance	Assistance to Households/ Businesses	\$225,000	\$225,000
Recreation "Dollar Days"	Assistance to Households/ Businesses	\$700,000	\$23,048
Mitigating Vaccine Barriers	COVID-19 Mitigation	\$100,000	\$13,200
El Cajon Foodie Fest	Assistance to Households/ Businesses	\$150,000	\$0
TOTAL		\$16,175,000	\$296,248

Business Grant Program - as of June 1st, the City has received a total of 54 applications. Three grants have been awarded, 32 are being processed, 13 are incomplete, and 6 have been denied.

Business License Assistance - the funds for this program have been appropriated and committed. Staff is determining the most effective way to provide the assistance.

Reducing Barriers to Vaccine - staff has implemented the following strategies to help reduce vaccine barriers:

- Established a City Hall hotline which is staffed to help residents find vaccination locations.
- In the process of printing and distributing door hangers to target population groups.
- Created a City website with weekly updates of vaccination locations.
- Support community vaccination events with promotion, snacks, and grocery store gift cards. Events supported include ones at El Cajon Valley High School, St. Michaels Chaldean Catholic Church, and Newcomers Support & Development group.
- Work with Meals on Wheels, Elder Help and the County of San Diego to identify seniors that wish to have the vaccine but do not have transportation to a vaccination site. Staff will help coordinate transportation or dispatch a mobile vaccination crew to these individuals.
- Staff explored a partnership with Parkway Plaza, but the opportunity did not come to fruition.

"Dollar Days" - the initial week of registration is this week. The first few days attracted much attention, with 31 percent of the fund appropriated already used. By June 2nd, 268 residents have registered for classes through this program.

El Cajon Foodie Fest - staff is working with the San Diego East County Chamber of Commerce, the El Cajon Downtown Business Partnership, and St. Madeleine Sophie's Center to present an El Cajon Foodie Fest with crafts, booths, and entertainment. A tentative date of September 18th is being contemplated.

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: N/A

Attachments

Possible ARPA Projects

Possible ARPA Projects per Eligibility Category

COVID-19 Response & Mitigation	\$1,100,000	4%
Reimbursement for Previous Mitigation	\$1,000,000	
Mitigating Vaccine Barriers	\$100,000	
Assistance to Households & Businesses	\$20,825,000	68%
Street Beautification/Safety Projects	\$5,000,000	
Small Business Grant Program	\$5,000,000	
Rec Center Upgrades (Evac Center/Cool Zones)	\$3,000,000	
Econ Development - Public Improvements	\$3,000,000	
Park Amenities (Pickleball/Soccer Courts)	\$3,000,000	
"Dollar Days" Recreation Programs	\$700,000	
Social Worker Pilot Program	\$500,000	
Additional Econ Development Efforts	\$250,000	
Business License Assistance	\$225,000	
El Cajon Foodie Fest	\$150,000	
Replace Revenue and Provide Municipal Services	\$6,350,000	21%
Solar/Battery Project - Phase 2	\$5,000,000	
City Network/Cyber/Video Upgrades	\$1,350,000	
Invest in Infrastructure	\$2,300,000	8%
Broadband/Fiber Network	\$2,300,000	
<i>TOTAL</i>	<i>\$30,575,000</i>	



**City Council
Agenda Report**

DATE: June 8, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: COVID-19 Status Report

RECOMMENDATION:

That the City Council provides direction regarding the format of City Council and Planning Commission meetings after the June 15, 2021 "Beyond the Blueprint" direction from the State of California.

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.

The City Council will also consider the manner in which regular City Council meetings and Planning Commission meetings will be conducted after the State of California lifts capacity and distancing restrictions on June 15, 2021.

Prepared By: Graham Mitchell, City Manager
Reviewed By: N/A
Approved By: N/A



City Council
Agenda Report

Agenda Item 8.

DATE: June 8, 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:

Activities will be reported at the June 22, 2021 meeting.

Submitted By: Bill Wells, Mayor



City Council
Agenda Report

Agenda Item 9.

DATE: June 8, 2021
TO: Honorable Mayor and City Councilmembers
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: Legislative Update

RECOMMENDATION:

Attachments

Legislative Update

CITY COUNCIL MEMORANDUM

DATE: June 8, 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: Passed Senate/In Assembly)

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: Passed Senate/In Assembly).

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: Third Reading).

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: Passed Assembly/In Senate).

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: Reconsidered after Failure to pass Assembly. Third Reading).

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

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: Passed Senate/In Assembly).

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: Passed Assembly/In Senate)

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: Assembly Third Reading)

SB 284 – (Stern – D) - This measure would expand the PTSD presumption for workers' compensation to classifications previously excluded. (Status: Third Reading).

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: Passed Senate/In Assembly).

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: Passed Senate/In Assembly).

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: Passed in Assembly/In Senate).

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: Passed Assembly/In Senate).

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: Passed Assembly/In Senate).

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: Passed Assembly/In Senate).

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: Passed Senate/In Assembly).

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: Senate – Third Reading).

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, Local Gov't Comm).

AB 257 (Gonzalez – D) - Enacts the Fast Food Accountability and Standards (FAST) Recovery Act that establishes the Fast Food Sector Council (council) and tasks the council with conducting a full review every three years on the adequacy of fast food restaurant health, safety, and employment standards and establishing industry-wide minimum health, safety, wage, working hours, and employment standards. (Status: Third Reading in Assembly)

SB 300 (Cortese – D) - This bill would repeal the provision requiring punishment by death or imprisonment for life without the possibility of parole for a person convicted of murder in the first degree who is not the actual killer, but acted with reckless indifference for human life as a major participant in certain specified violent felonies. (Status: Senate Third Reading)

AB 292 (Stone – D) - Directs the California Department of Corrections and Rehabilitation (CDCR) to use its constitutional authority to award custody credits to specified inmates serving a sentence for a violent felony or a nonviolent second- or third-strike felony at a rate of a one day credit for every day in custody (50% credit). (Status: Passed Assembly/In Senate)

SB 81 (Skinner – D) - This bill: 1) States that the court shall dismiss an enhancement if it is in the interests of justice to do so. 2) Provides that there shall be a presumption that it is in the furtherance of justice to dismiss an enhancement upon a finding that any of the following circumstances are true: a) Application of the enhancement would result in a disparate racial impact. b) Multiple enhancements are alleged in a single case. In this instance, all enhancements beyond a single enhancement shall be dismissed. c) The application of an enhancement could result in a sentence of over 20 years. In this instance, the enhancement shall be dismissed. d) The current offense is connected to mental illness. e) The current offense is connected to prior victimization or childhood trauma. f) The current offense is not a violent felony as defined in subdivision (c) of Section 667.5. g) The defendant was a juvenile when they committed the current offense or prior offenses. h) The enhancement is based on a prior conviction that is over five years old. i) Though a firearm was used in the current offense, it was inoperable or unloaded. (Status: Passed Senate/In Assembly)

SB 82 (Skinner – D) – This bill would turn robberies of less than \$950 dollars, that don't involve weapons or cause serious injuries, into petty theft. Robbery is now classified as a violent offense and punishable by up to five years in prison. If the bill passes, petty theft offenders would face up to a year in prison, a \$1,000 fine, or both, and qualify for a diversion program. (Status: In Senate, held in committee).



City Council
Agenda Report

Agenda Item 10.

DATE: June 8, 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 25, 2021 – Email to General Manager at Advanced Water Purification (AWP)
May 25, 2021 - Phone call to Mohammed T. re: presentation
May 26, 2021 – Attend Senator Jones' town hall (zoom) meeting
May 27, 2021 – Attend Institute for Public Strategies meeting on fentanyl
May 27, 2021 – Email to David M. re: neighborhood safety
May 28, 2021 – Email to Caroline S. @ County of San Diego re: COVID-19 data
May 28, 2021 – Complete Training for carrying Naloxone/Narcar
May 28, 2021 – Emails with Marcelo P. @ CalTrans re: freeway closures
May 29, 2021 – Phone call from Jo A. re: Walter Way encampments
June 1, 2021 – Attend East County Chamber Gov't Affairs Committee meeting
June 3, 2021 – Attend AWP Meeting with PR firm
June 4, 2021 – Speak at AWP Press conference
June 7, 2021 – Meeting with City Manager
June 8, 2021 – Attend City Council Meeting(s)
June 8, 2021 - Attend El Cajon Valley High School Graduation

I am available to answer questions.

Submitted By: Steve Goble, Councilmember



City Council
Agenda Report

Agenda Item 11.

DATE: June 8, 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:

June 3, 2021 – Metro Wastewater JPA meeting
June 8, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Mayor Pro Tem



City Council
Agenda Report

DATE: June 8, 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:

June 8, 2021 – Attended City Council meeting

June 8, 2021 – Attended El Cajon Valley High School Graduation ceremonies, representing District 2

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



City Council
Agenda Report

Agenda Item 13.

DATE: June 8, 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 26, 2021 – Attend virtual Town Hall by Senator Brian Jones

May 31, 2021 – Attend fundraiser for VFW

June 1, 2021 - Interview with Carl DeMaio

June 8, 2021 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Councilmember



City Council
Agenda Report

Agenda Item 14.

DATE: June 8, 2021

TO: Honorable Mayor and City Councilmembers

FROM: Angela Cortez, City Clerk

SUBJECT: Remove Conditional Use Permit Requirement for Outdoor Dining on City Sidewalks

RECOMMENDATION:

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

An Ordinance to Amend Sections 12.09.030 and 12.09.060 of the El Cajon Municipal Code to eliminate the need for a Conditional Use Permit for sidewalk dining in the City.

Attachments

Ord 5111

ORDINANCE NO. 5111

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