



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

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

MARCH 8, 2022, 3:00 p.m.

Bill Wells, Mayor

Michelle Metschel, Deputy Mayor

Steve Goble, Councilmember

Gary Kendrick, 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 February 22, 2022, Meetings and the Agenda of the March 8, 2022, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

- **Presentation: Annual Dance & Tumbling Recital at the Magnolia**
- **Presentation: Human Trafficking Awareness**

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 February 22, 2022, Meetings 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. 016-22 – Fire Admin Offices at Public Safety Center Re-Bid

RECOMMENDATION:

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

1. Approve Plans and Specifications for the Fire Admin Offices at Public Safety Center Re-Bid project, Bid No. 016-22;
2. Find the protest submitted by 13Zero3, Inc., dba 13Zero3 Construction (13Zero3) timely but without merit;
3. Find the protests submitted by SAS Construction (SAS) and Firestone Builders, Inc. (FBI), to be untimely and without merit;
4. Find the first through sixth low bidders non-responsive for the reasons set forth in the agenda report; and
5. Award the bid to the lowest responsive, responsible bidder, SWCS, Inc., in the amount of \$444,470 contingent upon approval of funding.

5. Contract Amendment for Window Repair/Maintenance at City Hall

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to increase the contract for the Window Repair/Maintenance at City Hall contract in the not-to-exceed amount of \$14,075.

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:

6. Heartland Fire & Rescue Administrative Offices - Project Update

RECOMMENDATION:

That the City Council:

1. Receives the Heartland Fire Administrative Offices (PS0012) project update;
2. Authorizes the appropriation of fund equity, and transfer, of \$220,364 in the City Capital Improvement Program Fund (501); and
3. Appropriates \$220,364 of additional funding in the Heartland Fire Administrative Offices (PS0012) project.

7. Legislative Update

8. Side Letter Agreement Between the City of El Cajon and the El Cajon Police Officers' Association

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving a side letter agreement (attached) between the City and the El Cajon Police Officers' Association temporarily modifying Article 5, Section B of the Memorandum of Understanding between the City of El Cajon and the El Cajon Police Officers' Association.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS

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

9. Council Activity Report

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. **COUNCILMEMBER GARY KENDRICK**
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.
12. **DEPUTY MAYOR 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.

JOINT COUNCILMEMBER REPORTS:

GENERAL INFORMATION ITEMS FOR DISCUSSION:

ORDINANCES: FIRST READING

14. Introduction of Ordinance addressing the use of Electronic Signatures by the City of El Cajon

RECOMMENDATION:

That the City Council moves to INTRODUCE the next ORDINANCE, in order, and directs the City Clerk to read the ORDINANCE by title only.

ORDINANCES: SECOND READING AND ADOPTION

CLOSED SESSIONS:

15. Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property: 31.7-acre vacant site at the northwest corner of Weld Boulevard and Cuyamaca Street

Negotiating Parties: Chesnut Properties, LLC; SGCLMC-Weld Investment Company, L.P.

City Negotiators: City Manager; Assistant City Manager; City Attorney

Under Negotiation: Price and terms for acquisition of leasehold interest, and for new lease-back to Negotiating Parties

ADJOURNMENT: The Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held March 8, 2022, is adjourned to Tuesday, March 22, 2022, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: March 8, 2022

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 February 22, 2022, Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

02-22-22DRAFTminutes - 3PM

02-22-22DRAFTminutes - 7PM

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

February 22, 2022

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, February 22, 2022, 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, and Kendrick
Council/Agencymembers absent: Ortiz
Deputy Mayor/Vice Chair present: Metschel
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 February 8, 2022, meetings and the Agenda of the February 22, 2022, meetings in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS: None

AGENDA CHANGES:

City Manager Mitchell requested that Item 10, Legislative Report be postponed to the March 8, 2022 meeting.

CONSENT ITEMS: (1 – 6)

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

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

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

Approves Minutes of the February 8, 2022, Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

Approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title only

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

4. Award of Bid No. 012-22 – Recreation Center Upgrades – Cool Zones and Evacuation Sites

1. Adopt Resolution No. 011-22 to approve Plans and Specifications for Recreation Center Upgrades – Cool Zones and Evacuation Sites, Bid No. 012-22; and
2. Adopt Resolution No. 012-22 to award the bid to the sole responsive, responsible bidder, M. Brey Electric, Incorporated, in the amount of \$552,852.

CONSENT ITEMS: (Continued)

- 5. Approval and Authorization of the Execution of a Program Supplement to a Caltrans Agreement for Washington Avenue Safety Improvements

Adopts Resolution No. 013-22 approving Program Supplement No. 000000Z42 for the Washington Avenue Safety Improvements project HSIPL-5211(043).

- 6. October – December 2021 Quarterly Treasurer’s Report

Receives the Treasurer’s Report for the quarter ending December 31, 2021.

PUBLIC COMMENT: None

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS: None

ADMINISTRATIVE REPORTS:

- 7. City Council Priority - Communications, Outreach, and Engagement Plan

RECOMMENDATION:

That the City Council receives the report and the Communications, Outreach, and Engagement Plan.

DISCUSSION

Assistant to the City Manager, David Richards provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Finding alternative ways to advertise City events; and
- Request for report about Dollar Days Event.

No comments were received for the Item.

MOTION BY KENDRICK, SECOND BY GOBLE, to RECEIVE the report and the Communications, Outreach, and Engagement Plan.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

ADMINISTRATIVE REPORTS: (Continued)

8. Safe Parking Program Analysis

RECOMMENDATION:

That the City Council receives the report and provides direction to staff.

DISCUSSION

City Manager Mitchell provided detailed information of the Item, and offered the following five (5) options for the City Council to consider:

1. Do nothing (consider applications as submitted)
2. RFP to seek a site and provider
3. RFP for provider on City property
4. Amend temporary zoning pilot program allowing safe parking
5. Offer City's CDBG-CV funds to neighboring jurisdiction for safe parking program

Scott Tullock, representing Good Shepherd Ministry Center, spoke in support of a Safe Parking Program.

Teresa Smith, representing Dreams for Change, spoke in support of a Safe Parking Program.

Kelly Spoon, representing Dreams for Change, spoke in support of a Safe Parking Program.

Rebecca Branstetter spoke in support of a Safe Parking Program.

Discussion ensued among Council and Staff concerning the following:

- Consideration to amend a Temporary Zoning Pilot Program allowing safe parking in the City;
- Consideration to offer CDBG-CV funds to neighboring jurisdictions for a safe parking program;
- Being ready and responsive to applicants for safe parking options;
- Concerns for liability to the City if safe parking locations are accepted; and
- CDBG-CV funds to be available for cities asking for help with safe parking options.

MOTION BY GOBLE, SECOND BY METSCHEL, to ACCEPT option No. 1, to consider applicants and option No. 5, to consider other jurisdictions who ask for CDBG-CV funds.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

ADMINISTRATIVE REPORTS: (Continued)

9. Allocate American Rescue Plan Act Funds for Appraisal Services

RECOMMENDATION:

That the City Council authorizes the allocation of up to \$40,000 for appraisal services for the vacant property at Cuyamaca Street and Weld Boulevard.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

No comments were received for the Item.

MOTION BY KENDRICK, SECOND BY METSCHEL, to ALLOCATE American Rescue Plan Act Funds for Appraisal Services

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

Per City Manager Mitchell’s recommendation, Item 10 will be presented at the March 8, 2022 meeting.

10. Legislative Update

**Recess called at 4:11 p.m.
Meeting called back to order at 4:17 p.m.**

11. City Council Action Plan (2022)

RECOMMENDATION:

That the City Council approves the draft City Council Action Plan for 2022.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Using reserve funds to allow staff to accomplish goals set;
- Hiring a marketing consultant to help promote City goals; and
- Staff making fiscally cautious decisions.

No comments were received for the Item.

ADMINISTRATIVE REPORTS: (Item 11 - Continued)

MOTION BY GOBLE, SECOND BY METSCHEL, to APPROVE the draft City Council Action Plan for 2022.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

12. Sustainability Initiative Efforts

RECOMMENDATION:

That the City Council receives the report on the City's Sustainability Initiative Efforts.

DISCUSSION

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

No comments were received for the Item.

MOTION BY KENDRICK, SECOND BY METSCHEL, to ALLOCATE American Rescue Plan Act Funds for Appraisal Services

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

13. COVID-19 Status Report

RECOMMENDATION:

No action required.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

No comments were received for the Item.

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

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

14. Council Activities Report/Comments

In addition to the submitted report, Mayor Wells stated he attended the Republican Women, Lakeside and Fletcher Hills meetings.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

15. 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 submitted.

16. COUNCILMEMBER GARY KENDRICK

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

Council Activities Report/Comments.

Report as submitted.

17. MAYOR PRO TEM MICHELLE METSCHEL

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

Council Activities Report/Comments.

Report as submitted.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

18. 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 submitted.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION

19. An Ordinance Adopting a District Map for Council Member Elections in El Cajon

RECOMMENDATION:

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

DISCUSSION

No comments were received for the Item.

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

AN ORDINANCE OF THE CITY OF EL CAJON, CALIFORNIA, APPROVING FOUR DISTRICTS FOLLOWING THE 2020 DECENNIAL FEDERAL CENSUS, AND ADOPTING A NEW MAP DESCRIBING THE BOUNDARIES OF EACH OF THE DISTRICTS.

MOTION BY WELLS, SECOND BY KENDRICK, to ADOPT Ordinance No. 5115, Adopting a District Map for Council Member Elections in El Cajon.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

CLOSED SESSIONS:

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

20. Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property: 31.7-acre vacant site at the northwest corner of Weld Boulevard and Cuyamaca Street

Negotiating Parties: Chestnut Properties, LLC; SGCLMC-Weld Investment Company, L.P.

City Negotiators: City Manager; Assistant City Manager; City Attorney

Under Negotiation: Price and terms for acquisition of leasehold interest, and for new lease-back to Negotiating Parties

MOTION BY WELLS, SECOND BY METSCHEL, to ADJOURN to Closed Session at 4:41 p.m.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

RECONVENE TO OPEN SESSION AT 4:50 p.m.

City Attorney Foley reported the following actions:

- Direction given to City Negotiators.

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 22nd day of February, 2022, at 4:50 p.m., to Tuesday, February 22, 2022, at 7:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary

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

February 22, 2022

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, February 22, 2022, was called to order by Mayor/Chair Bill Wells at 7:03 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, February 22, 2022, by order of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:

Council/Agencymembers absent:

Deputy Mayor/Vice Chair present:

Mayor/Chair present:

Other Officers present:

Goble, and Kendrick

Ortiz

Metschel

Wells

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).

AGENDA CHANGES: None

PUBLIC COMMENT: None

PUBLIC HEARINGS:

1. FY 2022-23 CDBG and HOME Allocations for One Year Action Plan and First Amendment to FY 2021-22 One Year Action Plan

RECOMMENDATION:

That the City Council:

1. Opens the public hearing and accepts public testimony for the FY 2022-23 CDBG and HOME Allocations for One Year Action Plan and First Amendment to FY 2021-22 One Year Action Plan;
2. Closes the public hearing;
3. Allocates funds to projects and programs that will be funded from the FY 2022-23 Community Development Block Grant (CDBG) and HOME grant programs; and
4. Adopts the next Resolution, in order, amending the FY 2021-22 One Year Action Plan to allocate \$1,100,000 in HOME funds and \$64,588 in CalHome funds to the San Diego Housing Commission for the administration of the City's First Time Homebuyer (FTHB) Program, and authorizing the City Manager to modify the allocation deemed necessary and appropriate to comply with direction given by the City Council.

Staff will prepare a preliminary funding schedule reflecting the City Council's decisions from this public hearing relative to the FY 2022-23 One Year Action Plan and will present it for final adoption at the second public hearing scheduled for April 26, 2022. If approved by the City Council, staff will submit the First Amendment to the FY 2021-22 One Year Action Plan to HUD upon the conclusion of the required 30-day public review period.

DISCUSSION

Housing Specialist, Deyanira Pelayo-Brito, and Housing Manager, Jamie Van Ravesteyn provided a summary of the Item.

Discussion ensued among Council and Staff concerning the following:

- Total of funds available; and
- Oversight of funds allocated.

PUBLIC HEARINGS: (Item 1 – Continued)

Mayor Wells opened the Public Hearing.

Kelly Douglas, representing Voices for Children, spoke to advocate for her organization.

Tim Ray, representing Meals on Wheels, spoke to advocate for his organization.

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

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

Discussion ensued among Council and Staff concerning the following:

- Most programs being considered for CDBG and HOME funds benefit the senior population;
- Children in emergency shelters; and
- Voices for Children not being considered as they are receiving funding from other organizations.

Mayor Wells re-opened the Public Hearing.

Kelly Douglas, representing Voices for Children, returned to the podium to provide more information on the number of local children receiving assistance.

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

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

MOTION BY WELLS, SECOND BY GOBLE, to APPROVE the proposed FY 2022-23 CDBG allocations.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

MOTION BY WELLS, SECOND BY GOBLE, APPROVE the proposed FY 2022-23 HOME allocations, and ADOPT Resolution No. 014-22 to Amend FY 2021-22 One Year Action Plan and approve it's submission to HUD upon conclusion of the 30-day public comment period.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (Ortiz – Absent).

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 22nd day of February, 2022, at 7:41 p.m., to Tuesday, March 8, 2022, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary

D R A F T



City Council
Agenda Report

DATE: March 8, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Mara Romano, Purchasing Agent
SUBJECT: Award of Bid No. 016-22 – Fire Admin Offices at Public Safety Center
Re-Bid

RECOMMENDATION:

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

1. Approve Plans and Specifications for the Fire Admin Offices at Public Safety Center Re-Bid project, Bid No. 016-22;
2. Find the protest submitted by 13Zero3, Inc., dba 13Zero3 Construction (13Zero3) timely but without merit;
3. Find the protests submitted by SAS Construction (SAS) and Firestone Builders, Inc. (FBI), to be untimely and without merit;
4. Find the first through sixth low bidders non-responsive for the reasons set forth in the agenda report; and
5. Award the bid to the lowest responsive, responsible bidder, SWCS, Inc., in the amount of \$444,470 contingent upon approval of funding.

BACKGROUND:

The Fire Administrative Offices at Public Safety Center project includes constructing office improvements to relocate the Heartland Administrative staff to the third floor of the Public Safety Center. The proposed improvements include framing offices, conference rooms, hallways, installing electrical services, fiber optic cable, data connections, HVAC, flooring treatments, and purchasing fixtures, furnishings, and equipment.

On October 26, 2021, the City Council approved rejecting all bids and authorized re-bidding the project with revised plans and specifications.

This project was advertised on December 23, 2021. The City received nine responses on February 8, 2022, and evaluated the eight lowest submissions.

SAS and FBI, each submitted a written protest on February 28, 2022, which is more than five (5) business days following the opening of the bids (as outlined in Section 10. Bid Protest of the specifications) and are both untimely. In addition, their bids are determined to be non-responsive, as outlined below; therefore, even if timely, their protests lack merit.

13Zero3 submitted a written protest dated February 9, 2022. The protest was received within the timeframe provided and is deemed timely. 13Zero3's protest stated the scope of work had not changed from Bid No. 009-22 - Fire Admin Offices at Public Safety Center. However, the re-bid specifications modified the "Furnish and Install Steelcase Furniture" portion of work from an additive alternate to a specialty item.

Additionally, 13Zero3 questioned the revised estimated bid value. Bid No. 009-22 listed the "Furnish and Install Steelcase Furniture" work as an additive alternate with an estimated base bid amount of \$190,000 (not including the additive alternate amount). Bid No. 016-22 listed the work as a specialty item with the estimated base bid amount of \$420,000 (including the specialty item). City staff finds 13Zero3's protest without merit.

The aforementioned specialty work required proof the subcontractor performing the work was a Steelcase Authorized Dealer. The first low bidder, SAS, did not list any subcontractors. However, a manufacturer letter naming bkm OfficeWorks, LLC as an authorized provider of Steelcase products and service was submitted with their bid, demonstrating the intent to use a subcontractor.

In accordance with California Public Contract Code (PCC) 4104, any person making a bid to perform work must list subcontractors in an amount in excess of one-half of one percent of the prime contractor's total bid. Therefore, SAS is considered non-responsive for failure to specify a subcontractor per PCC 4104.

Additionally, PCC 4104 states a prime contractor shall list one subcontractor for each portion of work as is defined by the prime contractor in his/her bid. The fifth low bidder, L M Rasmussen Construction, (LMRC) listed two subcontractors for one portion of work with the Contractor State License Board (CSLB) number belonging to one subcontractor and the Department of Industrial Relations (DIR) Registration number belonging to the other. On February 11, 2022, LMRC was provided the opportunity to confirm the CSLB and DIR numbers listed; however, they did not comply. Therefore, LMRC is considered non-responsive for failure to list one subcontractor for each portion of work.

The second low bidder, FBI, did not include all of the required bid documents. Therefore, FBI is considered non-responsive for failure to submit a complete bid package.

Lastly, in accordance with the 2018 "Standard Specifications for Public Works Construction" (Green Book), a bidder is considered non-responsive for failure to perform at least fifty percent (50%) of the contract work with their own forces. This is to ensure that the general contractor has a sufficient vested stake in the outcome of the project.

The bids submitted by the third, fourth, and sixth low bidders (RS Construction & Development, Inc.; M.W. Vasquez Construction Co., Inc. dba Vasquez Construction Company; and 13Zero3, Inc., respectively) listed subcontractors performing more than fifty percent (50%) of the work; and are, therefore, non-responsive to the bid specifications.

Staff recommends that the City Council deems the bids of the first through sixth low bidders, as cited above, non-responsive and awards the bid to the lowest responsive, responsible bidder, SWCS, Inc., in the amount of \$444,470. The summary of bids is attached and complete proposals are on file in the Purchasing Division.

FISCAL IMPACT:

The fiscal impact is \$444,470. Funding will be available for this project contingent upon the approval of the budget amendment presented separately: Fire Admin Offices at PSC (PS0012).

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution - Approve Plans & Specs

Resolution - Award of Bid

Bid Summary - 016-22

RESOLUTION NO. __-22

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR
FIRE ADMIN OFFICES AT PUBLIC SAFETY CENTER RE-BID
(Bid No. 016-22)

WHEREAS, the Director of Public Works has submitted plans and specifications for the Fire Admin Offices at Public Safety Center Re-Bid project (the "Project"); and

WHEREAS, it appears to be in the best interests of the City of El Cajon that the plans and specifications for the Project should be approved.

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

1. That the plans and specifications for the Project submitted by the Director of Public Works are hereby approved and adopted as the official plans and specifications for said Project.

2. Said plans and specifications are directed to be filed in the office of the Director of Public Works of the City of El Cajon.

RESOLUTION NO. __-22

RESOLUTION AWARDDING BID FOR
FIRE ADMIN OFFICES AT PUBLIC SAFETY CENTER RE-BID
(Bid No. 016-22)

WHEREAS, the Fire Admin Offices at Public Safety Center project (the "Project") includes constructing office improvements to relocate the Heartland Fire & Rescue administrative staff to the third floor of the Public Safety Center (the "PSC"); and

WHEREAS, the proposed improvements include framing seven (7) fully-furnished offices, conference rooms, hallways, installing electrical services, fiber optic cable, data connections, HVAC, flooring treatments, and purchasing fixtures, furnishings, and equipment; and

WHEREAS, on September 13, 2021, the City of El Cajon (the "City") received five (5) competitive bids to construct and furnish the offices at the PSC; and

WHEREAS, on October 26, 2021, the City Council rejected all bids and authorized re-bidding the project with revised plans and specifications due to higher-than-expected costs; and

WHEREAS, the Project was re-advertised on December 23, 2021, and nine (9) competitive bids were received on February 8, 2022; and

WHEREAS, the eight (8) lowest submissions were evaluated by City staff; and

WHEREAS, 13Zero3, Inc. ("13Zero3") submitted a timely written protest dated February 9, 2022, stating that the scope of work had not changed from Bid No. 009-22 – Fire Admin Offices at Public Safety Center ("Bid No. 009-22"), and questioning the revised estimated bid value; and

WHEREAS, Bid No. 009-22 listed the "Furnish and Install Steelcase Furniture" portion of work as an additive alternate with an estimated base bid amount of \$190,000 (not including the additive alternate amount, and Bid No. 016-22 – Fire Admin Offices at Public Safety Center Re-Bid listed the work as a specialty item with the estimated base bid amount of \$420,000 (including the specialty item), and therefore City staff finds 13Zero3's protest without merit; and

WHEREAS, the aforementioned specialty work required proof the subcontractor performing the work was a Steelcase Authorized Dealer; and

WHEREAS, the first low bidder, SAS Construction, ("SAS") did not list any subcontractors; however, a manufacturer letter naming bkm OfficeWorks, LLC as an authorized provider of Steelcase products and service was submitted with their bid, demonstrating the intent to use a subcontractor; and

WHEREAS, in accordance with California Public Contract Code ("PCC") 4104, any person making a bid to perform work must list subcontractors for an amount in excess of one-half (1/2) of one percent (1%) of the prime contractor's total bid, and therefore, SAS is considered non-responsive for failure to specify a subcontractor per PCC 4104; and

WHEREAS, on February 28, 2022, more than five (5) days after the opening of bids, SAS submitted a written protest, challenging City staff's determination that its bid is non-responsive for failure to list a subcontractor to perform the work required to be performed by a Steelcase Authorized Dealer; and

WHEREAS, PCC 4104 additionally states that a prime contractor shall list one subcontractor for each portion of work as is defined by the prime contractor in their bid; and

WHEREAS, the fifth low bidder, L M Rasmussen Construction, ("LMRC") listed two subcontractors for one portion of work with the Contractor State License Board ("CSLB") number belonging to one subcontractor and the Department of Industrial Relations ("DIR") Registration number belonging to the other, and

WHEREAS, on February 11, 2022, LMRC was provided the opportunity to confirm the CSLB and DIR numbers listed but did not comply, and therefore, LMRC is considered non-responsive for failure to list one subcontractor for each portion of work; and

WHEREAS, the second low bidder, Firestone Builders, Inc., ("FBI") did not include all of the required bid documents, and therefore, FBI is considered non-responsive for failure to submit a complete bid package; and

WHEREAS, on February 28, 2022, more than five (5) days after the opening of bids, FBI submitted a written protest, challenging City staff's determination that its bid is non-responsive for failure to include all of the bid documents; and

WHEREAS, in accordance with the 2018 "Standard Specifications for Public Works Construction" ("Green Book"), a bidder is considered non-responsive for failure to perform at least fifty percent (50%) of the contract work with their own forces, the purpose of which is to ensure that the general contractor has a sufficient vested stake in the outcome of the project; and

WHEREAS, the bids submitted by the third, fourth, and sixth lower bidders (RS Construction & Development, Inc.; M.W. Vasquez Construction Co., Inc. dba Vasquez Construction Company; and 13Zero3, respectively) listed subcontractors performing more than fifty percent (50%) of the work; and are, therefore, non-responsive to the bid specifications; and

WHEREAS, after evaluation, staff recommends that the City Council deems the bids of the first through sixth low bidders, as cited above, non-responsive for the reasons listed above, and to award the bid to the lowest responsive, responsible bidder, SWCS, Inc., in the amount of \$444,470.00; and

WHEREAS, funding for the Project will be available contingent upon the approval of the budget amendment presented separately: Fire Admin Offices at PSC.

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 bids of the first through sixth low bidders to be non-responsive, and rejects said bids.

3. The City Council further finds that the protests of SAS Construction and Firestone Builders, Inc., to be untimely, and without merit; and also finds the protest of 13Zero3, Inc., to be timely, but also without merit.

4. The City Council hereby awards the bid for the Project to the lowest responsive, responsible bidder:

SWCS, Inc.

in an amount not to exceed \$444,470.00.

5. 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. 016-22	Bid Name: Fire Admin Offices at Public Safety Center Re-Bid
Solicitation Due Date/Time: February 8, 2022/ 2:00 p.m.	Initial Date of Advertisement: December 23, 2021
Number of Responses Received: 9	Bid Estimate: \$420,000.00

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

Bidder	Category	Amount	Method	Time	Status
SAS Construction	CADIR	\$398,000.0000	Electronic	02/08/2022 1:02:02 PM	Submitted
Firestone Builders, Inc.		\$399,500.0000	Electronic	02/08/2022 1:20:06 PM	Submitted
RS Construction & Development Inc.	CADIR	\$428,258.0000	Electronic	02/08/2022 1:57:36 PM	Submitted
Vasquez Construction Company	MBE, CADIR	\$429,352.0000	Electronic	02/08/2022 1:59:07 PM	Submitted
L M Rasmussen Construction	CADIR	\$429,900.0000	Electronic	02/08/2022 1:46:54 PM	Submitted
13zero3, Inc		\$432,128.8400	Electronic	02/08/2022 1:43:46 PM	Submitted
SWCS, Inc.	DBE, MBE, CADIR	\$444,470.0000	Electronic	02/08/2022 1:43:04 PM	Submitted
Telliard Construction		\$518,100.0000	Electronic	02/08/2022 11:44:20 AM	Submitted
M. Brey Electric, Inc	CADIR	\$576,500.0000	Electronic	02/08/2022 1:53:39 PM	Submitted

BID EVALUATION (TOP THREE LOWEST RESPONSES):

Bidder	Bid Responsiveness	Notes
SAS Construction	No	Failure to list subcontractor(s) per PCC 4104.
Firestone Builders, Inc.	No	Failure to submit a complete bid.
RS Construction & Development, Inc.	No	Failure to perform 50% of work.
M.W. Vasquez Construction Co. dba Vasquez Construction Company	No	Failure to perform 50% of work.
L M Rasmussen Construction	No	Failure to list one subcontractor for each portion of work per PCC 4104.
13zero3, Inc.	No	Failure to perform 50% of work.
SWCS, Inc.	Yes	
Telliard Construction	Yes	

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

RENEWAL OPTIONS: YES NO **IF YES, SPECIFY TERM W/RENEWAL OPTIONS:** _____

LOWEST, RESPONSIVE, RESPONSIBLE BIDDER NAME AND AMOUNT: SWCS, INC. - \$444,470.00

PURCHASING DIVISION:

Review Completed By: Mara Romano

Date: February 15, 2022



City Council
Agenda Report

Agenda Item 5.

DATE: March 8, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Mara Romano, Purchasing Agent
SUBJECT: Contract Amendment for Window Repair/Maintenance at City Hall

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to increase the contract for the Window Repair/Maintenance at City Hall contract in the not-to-exceed amount of \$14,075.

BACKGROUND:

The abovementioned project consists of weatherproofing, caulking, and glazing exterior windows at City Hall. The City issued a Request for Quotation and two responses were received on March 16, 2021. The City Manager approved the award of the public project in the amount of \$96,100 in accordance with El Cajon Municipal Code section 3.20.130.B.

On August 3, 2021, the contract was increased in the amount of \$15,300 for the repair of windows that were leaking at the Public Safety Center in accordance with City Council Policy B-4, which grants the City Manager authority to execute a change order in an amount not to exceed 25% of the original contract value.

Upon initial repairs to the windows at City Hall, it was discovered that the parapet wall top caps are leaking and should be repaired; as a result, an increase of \$14,075 is requested. The total costs of these increases exceed 25% of the original contract value as established by City Council Policy B-4, thus requiring approval from the City Council.

FISCAL IMPACT:

Approval of the \$14,075 increase will supplement the current contract, for a total not-to-exceed amount of \$125,475. Sufficient funds are available in Fiscal Year 2021-22 Annual Budget: Window Repair/Maintenance at City Hall (IFM3724).

Prepared By: Mara Romano, Purchasing Agent
Reviewed By: Yazmin Arellano, Director of Public Works
Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ____-22

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL CAJON APPROVING
AMENDMENT OF A CONTRACT FOR
WINDOW REPAIR/MAINTENANCE AT CITY HALL

WHEREAS, the City of El Cajon (the "City") issued Request for Quotation Number: 403229 for Window Repair/Maintenance at City Hall (the "Project"), and two responses were received on March 16, 2021; and

WHEREAS, in accordance with El Cajon Municipal Code section 3.20.130.B, the City Manager approved award of the public project to A Glasco, Inc., in the amount of \$96,100, and on June 17, 2021, the City entered into a public works contract for weatherproofing, caulking, and glazing exterior windows at City Hall (the "Contract"); and

WHEREAS, on August 3, 2021, the Contract was increased in the amount of \$15,300 for the repair of leaking windows at the Public Safety Center, in accordance with City Council Policy B-4, which grants the City Manager authority to execute a change order in an amount not-to-exceed twenty-five percent (25%) of the original contract value; and

WHEREAS, upon initial repairs to the windows at City Hall, it was discovered that the parapet wall top caps were leaking and should be repaired, and as a result, an increase of \$14,075 is requested for additional repairs; and

WHEREAS, the total costs of these increases exceed twenty-five percent (25%) of the original contract value as established by City Council Policy B-4, thus requiring approval from the City Council; and

WHEREAS, approval of the \$14,075 increase will supplement the current contract, for a total not-to-exceed amount of \$125,475, and sufficient funds are available in Fiscal Year 2021-22 Annual Budget: Window Repair/Maintenance at City Hall; and

WHEREAS, City Council finds that it is in the City's best interest to approve amendment of the Contract to provide additional compensation in the not-to-exceed amount of \$14,075, for a total not-to-exceed value of \$125,475.

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

1. The above recitals are true and correct, and are the findings of the City Council.
2. The City Council hereby approves amendment of the Contract to provide additional compensation in the not-to-exceed amount of \$14,075, for a total not-to-exceed value of \$125,475.

3. The City Council hereby authorizes the City Manager to execute an amendment to the Contract, with such changes as may be approved by the City Manager.

03/08/22 CC Agenda
Reso - Amend Window Repair Contract (A Glasco) 022822



City Council Agenda Report

Agenda Item 6.

DATE: March 8, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Heartland Fire & Rescue Administrative Offices - Project Update

RECOMMENDATION:

That the City Council:

1. Receives the Heartland Fire Administrative Offices (PS0012) project update;
2. Authorizes the appropriation of fund equity, and transfer, of \$220,364 in the City Capital Improvement Program Fund (501); and
3. Appropriates \$220,364 of additional funding in the Heartland Fire Administrative Offices (PS0012) project.

BACKGROUND:

Heartland Fire & Rescue Station 6 is located at 100 E Lexington Avenue and currently houses the Fire Chief, Division Chiefs and other administrative fire staff. The station is also home to Heartland Communications Facility Authority (HCFA), which operates a significant emergency dispatch center for the region. HCFA currently leases the space from the City and has a need to expand in order to maintain a high level of service to the community. The decision was made for Heartland Fire & Rescue administrative staff to move from Station 6 to the Public Safety Center, which has a vacant 1,842 square-foot space on the third floor. The move allows Fire management staff to be located in the same building as Police management staff. It also allows HCFA to grow and renew an extended lease agreement with the City.

City staff and a licensed architect began designing tenant improvements to construct offices for Heartland Fire & Rescue administrative staff in the Public Safety Center. Improvements include seven (7) fully-furnished offices, a conference room, and all associated electrical, mechanical and structural building components. On September 13, 2021, the City of El Cajon received five (5) competitive bids to construct and furnish the offices at the Public Safety Center. The lowest responsible and responsive bid of \$474,587 was ultimately rejected due to higher-than-expected results. It was determined that the global supply chain crisis had increased the cost of materials substantially. Therefore, the project was re-advertised on December 23, 2021. On February 8, 2022, the City of El Cajon received nine (9) competitive bids with a lowest responsible and responsive bid of \$444,470. This increase in bid pricing requires a budget increase of \$220,364. This project will allow the City to lease the entire portion of Fire Station 6 that is currently being leased out by the Fire Administrative Offices.

This project was originally budgeted for \$370,000 in Fiscal Year 2020 and funded entirely by the "Prop. O" Public Safety Infrastructure Fund. This funding source is now fully committed, therefore funding from the City Capital Improvement Program Fund is used for the proposed project budget increase of \$220,364. If approved, the revised project budget will total \$590,364.

FISCAL IMPACT:

This action would increase the \$370,000 Heartland Fire Administration Offices (PS0012) project, funded by "Prop O," by \$220,364 from the City Capital Improvement Program Fund for a revised project budget of \$590,364.

Prepared By: Yazmin Arellano, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

Attachments

REV1 Project Budget Sheet

REVISION 1
CAPITAL IMPROVEMENT PROJECT
FISCAL YEAR 2021 - 2022

PROJECT NAME: FIRE ADMIN OFFICES AT PSC

ACTIVITY: 502900

PROJECT NO: PS0012

Description:

The project involves the design, construction and oversight of tenant improvements for the 3rd floor of the existing Public Safety Center (PSC) to house Fire administrative offices. The proposed improvements are in response to a request by Heartland Communications Facility Authority (HCFA) to relocate to the existing Fire Administrative offices, A portion of the 3rd floor of the PSC is currently vacant and suitable for the proposed use. Proposed improvements include: framing of offices, conference room and hallways; electrical services; fiber optic cable and data connections; heating, ventilation and cooling; flooring treatments; fixtures, furnishings and equipment.

Justification:

Heartland Communications Facility Authority (HCFA) is in need of office space that meets the needs of the authority. Relocating Fire Administrative staff to the Public Safety Center would allow for the expansion of HCFA to the current Fire Administrative office and generate additional revenue for the City via increased rent for the larger office space to be utilized by HCFA.

Scheduling:

Design is anticipated to complete by Spring 2021 with construction following in fiscal year 2021-22.

Operating Budget Impact:

Minimal increases to utility expenses and building maintenance are anticipated from the project due to increasing occupancy at the Public Safety Center. Revenue generation from the lease of the proposed space is expected to offset all costs associated with increased utility consumption.

	Original Project Budget	Current Project Budget	Proposed Project Amendment	Proposed Project Budget
Architectural Services (8315)	60,000	38,000		38,000
Consulting Services (8325)				
Engineering Services (8335)				
Engineering Services-Internal (8336)	14,650	14,650		14,650
Inspection Services-Internal (8337)				
Legal Services (8345)				
Other Prof/Tech Services (8395)				
Advertising (8522)	300	300	183	483
Janitorial (8544)				
Permits & Fees (8560)	50	50	(50)	-
Printing & Binding (8570)				
Furniture, Machinery & Equipment (9035)		85,900	(81,900)	4,000
Land Improvements / Abatement & Demo (9055)				
Construction-Buildings (9060)	200,000	231,100	302,131	533,231
Infrastructure (9065)				
Contingency (9060)	25,000			-
PROJECT COST TOTAL:	300,000	370,000	220,364	590,364

Source(s) of Funds:				
Prop O	300,000	370,000		370,000
General Fund			220,364	220,364
FUNDING TOTAL:	300,000	370,000	220,364	590,364



City Council
Agenda Report

Agenda Item 7.

DATE: March 8, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: Legislative Update

RECOMMENDATION:

Attachments

Legislative Update
Initiative No. 21-0042A1

CITY COUNCIL MEMORANDUM

DATE: February 22, 2022

TO: City Council

FROM: Vince DiMaggio, Assistant City Manager

SUBJECT: LEGISLATIVE UPDATE

AB 292 (Stone - D)

Extends the credit for incarceration of violent offenders from 20% to 50%. Crimes eligible for the credit include: rape, murder, robbery, kidnapping, and crimes against children. (Status: Signed by Governor/Chaptered).

AB 655 (Kalra-D) Requires that local agencies investigate candidates for peace officer positions for participation in groups classified as “hate groups.” Requires local agencies to terminate the employment of peace officers found to have participated in activities of “hate groups.” (Status: Passed Assembly/In Senate)

AB 989 (Gabriel-D) Establishes a state appeals panel with the power to overturn city councils denial of housing projects consisting of 5 units or more. (Status: Inactive)

AB 1599 (Republican caucus) Places the repeal of Proposition 47 (which reduced penalties for a host of crimes) before the voters. (In Assembly committee).

AB 1603 – (Salas - D) – Places before the voters a reduction in the threshold amount for petty theft and shoplifting from \$950 to \$400. (Status: In Assembly committee).

ACA 1 – (Gonzalez/Chiu– D) – Places before the voters a partial repeal of Proposition 13, allowing a city or county to levy an ad valorem tax to service bonded indebtedness for public

infrastructure or affordable housing with 55% voter approval (as opposed to the 2/3 requirement). (Status: In Assembly committee).

SB 6 – (Caballero – D) – Subject to a number of qualifying conditions, generally allows housing on any lot zoned commercial in any city or county, and requires the developer of said housing to pay prevailing wage during construction of the project. (Status: In Senate committee)

SB 15 (Portantino – D) – Provides grants to local governments that agree to rezone idle “big box commercial” sites to residential zoning. Requires annual appropriation by the legislature. (Status: In Assembly, held).

SB 81 – (Skinner – D) – Requires judges to give great weight to dismissing a sentencing enhancement if the defendant can demonstrate that they have mental illness, childhood trauma, the firearm that was used was broken, or result in a “discriminatory racial impact.” (Status: Signed by Governor/Chaptered).

SB 300 (Cortese - D) - This bill repeals the provision of law requiring punishment by death or imprisonment for life without the possibility of parole (LWOP) 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 specified dangerous felonies. (Status: Passed Assembly/In Senate – Held).

SB 358 (Jones - R) – This bill, amended from its original iteration last session, expands the crime of mail theft to include not only USPS mail delivery, but private mail carriers as well, i.e., Amazon, UPS, etc...(Status: Passed Senate/In Assembly – Held in committee).

SB 519 (Wiener – D) – Legalizes the “possession, obtaining, giving away, or transportation of hallucinogenic drugs, including LSD (“acid”), psychedelic mushrooms, and MDMA (“molly” “Ecstasy”). (Status: Passed Senate/In Assembly – in committee).

AB 481 (Chiu – D) – Requires that local agencies draft and maintain a policy relating to the acquisition and use of military vehicles and equipment prior to obtaining such equipment and that the policy be reviewed and annually recertified. (Status: Signed by Governor/Chaptered).

Initiative No. 21-0042A1 – **The Taxpayer Protection and Government Accountability Act** – Ballot initiative that seeks to allow certain taxes to pass electorate by simple majority, and sets new restrictions on how much local governments can charge utility companies, garbage companies, etc...in franchise fees. See attached briefing from League of California Cities. LCC opposes.



The Taxpayer Protection and Government Accountability Act
Initiative No. 21-0042A1
January 21, 2022

Summary: The measure limits the voters' input, adopts new and stricter rules for raising taxes and fees, and makes it more difficult to hold state and local law violators accountable.

Limiting Voter Authority and Accountability

- Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
- Invalidates Upland decision that allows majority of local voters to pass special taxes. Taxes proposed by the Initiative are subject to the same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.

Restricting Local Fee Authority to Provide Local Services

- Franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be "reasonable" which must be proved by "clear and convincing evidence."
- Except for licensing and other regulatory fees, fees and charges may not exceed the "actual cost" of providing the product or service for which the fee is charged. "Actual cost" is the "minimum amount necessary." The burden to prove the fee or charge does not exceed "actual cost" is changed to "clear and convincing" evidence.

Restricting Authority of State and Local Governments to Issue Fines and Penalties for Violations of Law.

- Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.



Restricting Local Tax Authority to Provide Local Services

- Expanding existing taxes (e.g., UUT, use tax, TOT) to new territory (e.g., annexation) or expanding the base (e.g., new utility service) requires voter approval.
- City charters may not be amended to include a tax or fee.
- New taxes can be imposed only for a specific time period.
- Taxes adopted after January 1, 2022, that do not comply with the new rules, are void unless reenacted.
- All state taxes require majority voter approval.
- Prohibits any surcharge on property tax rate and allocation of property tax to state.

Other Changes

- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.



City Council
Agenda Report

DATE: March 8, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Side Letter Agreement Between the City of El Cajon and the El Cajon Police Officers' Association

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving a side letter agreement (attached) between the City and the El Cajon Police Officers' Association temporarily modifying Article 5, Section B of the Memorandum of Understanding between the City of El Cajon and the El Cajon Police Officers' Association.

BACKGROUND:

On July 1, 2019, the City of El Cajon and the El Cajon Police Officers' Association (ECPOA) entered into a five-year labor Memorandum of Understanding (MOU), set to expire on June 30, 2024. The MOU provides orderly procedures for the administration of employer-employee relations between the City and the ECPOA, establishes wages, hours and other conditions of employment for members of the ECPOA.

The MOU's Article 5, Section B establishes an educational incentive program. The first two paragraphs of the section are as follows, with emphasis added on the underlined sentence:

The Educational Incentive Program is adopted for the benefit of the EMPLOYEES in recognition of certain specified educational and/or professional achievements. The EMPLOYEES represented may receive the specified additional compensation only under one of the formulas listed below.

In addition to the requirements below, to be eligible for the additional compensation, each EMPLOYEE must be a regular EMPLOYEE of the City with at least twenty-four (24) months of sworn law enforcement experience with the CITY to receive the benefit. For Lateral Officers, must be a regular EMPLOYEE of the City with at least one full year of fulltime experience as a lateral police officer.

This section requires that experienced employees transferring from other agencies are required to wait one full year until they may receive the educational incentives. These incentives range between 2.5% to 13% depending on the level of education and Peace Officer Standards and Training (POST) certifications. Many of the recently hired lateral officers possess education and POST certifications. This educational experience adds value to the Police Department and community.

In an effort to remain competitive with other agencies attempting to attract lateral police officers, staff recommends that the City Council consider a resolution approving a side letter agreement between the City and the ECPOA that modifies the second paragraph of the MOU's Article 5, Section B to the following:

In addition to the requirements below, to be eligible for the additional compensation, each EMPLOYEE must be a regular EMPLOYEE of the City with at least twenty-four (24) months of sworn law enforcement experience with the CITY, or a Lateral Officer, with at least twenty-four (24) months of sworn law enforcement experience with any one or more California law enforcement agency operated by any city (including the CITY), county, or city and county; or by the California Highway Patrol, to receive the benefit.

The side letter would be effective through the existing or eventually extended term of the MOU.

Prepared By: Graham Mitchell, City Manager

Reviewed By:

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Side Letter

RESOLUTION NO. ____-22

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF EL CAJON APPROVING A SIDE LETTER WITH THE
EL CAJON POLICE OFFICER'S ASSOCIATION TO TEMPORARILY
MODIFY A MEMORANDUM OF UNDERSTANDING

WHEREAS, on July 1, 2019, the City of El Cajon (the "City") and the El Cajon Police Officers' Association ("ECPOA") entered into a five (5) year labor Memorandum of Understanding ("MOU"), set to expire on June 30, 2024; and

WHEREAS, the MOU provides orderly procedures for the administration of employer-employee relations between the City and the ECPOA, establishes wages, hours, and other conditions of employment for members of the ECPOA; and

WHEREAS, Article 5, Section B of the MOU ("Section B") establishes an Educational Incentive Program for ECPOA members ("Educational Incentive") and limits existing police officers hired by the City who are leaving other law enforcement agencies ("Lateral Officers") from receiving educational incentives for at least one (1) full year of full-time experience with the City of El Cajon; and

WHEREAS, Section B requires that experienced employees that have transferred to the City from other agencies are required to wait one (1) full year until they may receive their educational incentives, which range between two and a half percent (2.5%) to thirteen percent (13%) depending on the level of education and Peace Officer Standards and Training ("POST") certifications; and

WHEREAS, many of the recently hired Lateral Officers possess education and POST certifications, and this educational experience adds value to the Police Department and community; and

WHEREAS, in an effort to remain competitive in hiring Lateral Officers, staff recommends that a side letter agreement be approved to modify Section B so that it allows Lateral Officers to immediately qualify for the Educational Incentive provided that they have not less than 24 months of sworn law enforcement experience with any California law enforcement agency as defined in California Government Code section 7284.4; and

WHEREAS, both the City and the ECPOA agree to temporarily modify the current MOU until by a side letter agreement until its expiration on June 30, 2024.

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

1. That the City Council hereby approves a side letter agreement ("Side Letter") to temporarily modify the second paragraph of Article 5, Section B of the ECPOA MOU read as follows:

In addition to the requirements below, to be eligible for the additional compensation, each EMPLOYEE must be a regular EMPLOYEE of the City with at least twenty-four (24) months of sworn law enforcement experience with the CITY, or a Lateral Officer, with at least twenty-four (24) months of sworn law enforcement experience with any one or more California law enforcement agency operated by any city (including the CITY), county, or city and county; or by the California Highway Patrol, to receive the benefit.

2. That the Side Letter shall expire on June 30, 2024 and following that date shall be of no further force and effect.

3. That the City Manager is hereby authorized to execute the Side Letter to recognize the temporary modification to the second paragraph of Article 5, Section B of the ECPOA MOU as set forth in Section 1, above.

03/08/22 CC Agenda
Reso – Approve Modification of PD MOU 030122

Side Letter of Agreement

El Cajon Police Officers’ Association and the City of El Cajon

Date: March 8, 2022

This agreement is a side letter (Side Letter) to temporarily modify the current Memorandum of Understanding (MOU) dated July 1, 2019 through June 30, 2024, between the El Cajon Police Officers’ Association (ECPOA) and the City of El Cajon (City). ECPOA and the City recognize current circumstances create the need to temporarily modify the MOU regarding hiring of Lateral Officers and eligibility of Educational Incentives as specified in the MOU.

ECPAO and the City hereby agree, through this Side Letter, to temporarily modify the second paragraph of Article 5, Section B of the MOU to read as follows:

In addition to the requirements below, to be eligible for the additional compensation, each EMPLOYEE must be a regular EMPLOYEE of the CITY with at least twenty-four (24) months of sworn law enforcement experience with the CITY, or a Lateral Officer, with at least twenty-four (24) months of sworn law enforcement experience with any one or more California law enforcement agency operated by any city (including the CITY), county, or city and county; or by the California Highway Patrol, to receive the benefit.

ECPOA and the City further agree that this Side Letter shall remain in effect through June 30, 2024, or the expiration of the MOU, whichever shall first occur, and following that date shall be of no further force and effect. Whether the modification is included in any successor memorandum of understanding will be subject to the meet and confer process in the future.

This Side Letter shall be effective upon the adoption of a resolution of the El Cajon City Council and execution by the City Manager.

Patrick, Gomes, President
El Cajon Police Officers’ Association

Graham Mitchell, City Manager
City of El Cajon

Date

Date



City Council
Agenda Report

DATE: March 8, 2022
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:

February 25, 2022 – SANDAG Board of Directors Meeting
March 4, 2022 – Panelist at County of San Diego Fentanyl Workshop
March 8, 2022 – Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council Agenda Report

Agenda Item 10.

DATE: March 8, 2022

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:

February 23, 2022 - Emails with Kay L. re: Safe Parking
February 23, 2022 - Emails with Johnny G. re: grading issue
February 24, 2022 - Emails with Andrea B re: mandatory vaccine concern
February 25, 2022 - Submit requested editorial to Union-Tribune
February 25, 2022 - Participate in GUHSD superintendent search meeting
February 27, 2022 - Attend Chamber East County Honors
February 28, 2022 - Emails with Patrick H re: traffic at Bostonia/Bluebell
March 1, 2022 - Attend Chamber of Commerce Gov't Affairs Mtg
March 4, 2022 - Attend County of San Diego Fentanyl Workshop
March 5, 2022 - Work at Amika cabin prep day
March 5, 2022 - Attend St Paul's PACE gala
March 6, 2022 - Attend Love on a Leash event at Home of Guiding Hands
March 7, 2022 - Meeting with City Manager
March 8, 2022 - Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Steve Goble, Councilmember



City Council
Agenda Report

Agenda Item 11.

DATE: March 8, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Councilmember Kendrick
SUBJECT: COUNCILMEMBER 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:

March 8, 2022 – Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Mayor Pro Tem



City Council
Agenda Report

Agenda Item 12.

DATE: March 8, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Deputy Mayor Metschel

SUBJECT: DEPUTY MAYOR 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:

March 8, 2022 – Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



City Council
Agenda Report

Agenda Item 13.

DATE: March 8, 2022

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:

March 8, 2022 – Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Councilmember



City Council
Agenda Report

DATE: March 8, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Morgan Foley, City Attorney
SUBJECT: Introduction of Ordinance addressing the use of Electronic Signatures by the City of El Cajon

RECOMMENDATION:

That the City Council moves to INTRODUCE the next ORDINANCE, in order, and directs the City Clerk to read the ORDINANCE by title only.

BACKGROUND:

The City of El Cajon ("City") has invested in and continues to improve citywide business processes. The next step to encourage the use of paperless electronic documents is to create a policy that allows for digital signatures.

The general legal framework for the use of electronic signatures on electronic records has been in place for over two decades. In 1999, the State of California adopted a version of the Uniform Electronic Transactions Act ("UETA"), guaranteeing that electronic signatures would have the same legal effect as a "wet" or manual signature. (California Civil Code sections 1633.1-1633.17.) In 2000 Congress passed the Electronic Signatures in Global and National Commerce Act ("E-SIGN Act") that mandated the same treatment of electronic signatures in interstate or foreign commerce. (15 U.S.C. 7001.)

Prior to adoption of the UETA and E-SIGN Act, the California Legislature passed a statute authorizing public entities to accept digital signatures if they comply with stringent verification procedures established by the Secretary of State. (California Government Code section 16.5.) The Secretary of State adopted such regulations in 1989 approving the use of digital signatures if they could be verified using an acceptable technology. The regulations specified two types of acceptable technology; Public Key Cryptology or Signature Dynamics technologies. (2 California Code of Regulations section 22003.) However, California Government Code section 16.5 and the Secretary of State's regulations do not limit the manner in which the City may use or accept electronic signatures in general.

The use of electronic signatures on legally binding documents has become increasingly prevalent in the private sector and is gaining popularity among public agencies. Some of the benefits of electronic signatures include a reduction in the use of paper and a reduction in the time and costs associated with transmitting, approving, tracking, and ultimately storing physical documents.

The City desires to benefit from the efficiencies of electronic signatures, while using technology approved by the Secretary of State. While the ordinance codifies the City policy on electronic signatures if approved by the City Council, City staff will be able to develop administrative policies and procedures to establish the use of electronic signatures by the City.

FISCAL IMPACT:

There may be costs associated with the selection and implementation of an electronic signature platform.

Prepared By: Morgan Foley

Reviewed By: Morgan Foley, City Attorney

Approved By: Graham Mitchell, City Manager

Attachments

Ordinance

ORDINANCE NO. ____

AN ORDINANCE ADDING CHAPTER 2.50 TO
TITLE 2 OF THE EL CAJON MUNICIPAL CODE
AUTHORIZING THE USE OF
ELECTRONIC AND DIGITAL SIGNATURES

The City Council of the City of El Cajon does ordain as follows:

Section 1. A new Chapter 2.50 is hereby added to Title 2 of the El Cajon Municipal Code to read as follows:

Chapter 2.50 DIGITAL SIGNATURES

2.50.010 Purpose.

In order to reduce the amount of paper, time, and costs associated with transmitting, approving, and executing physical documents, including contracts, agreements, correspondence, communications, and other similar documents necessary to the conduct of city business; and to obtain benefits from the efficiencies that are created with the use of digital and electronic signatures; all of which will improve efficiencies, save costs, and provide a better means for management of city records, this chapter establishes the authorization of the use of electronic and digital signatures in the conduct of the city's business in a manner that is safe and secure when in compliance with this chapter as well as state and federal laws, and city policies. This chapter codifies existing city policies that authorized the use of electronic or digital signatures, and allows the city manager to adopt additional policies and procedures to implement this chapter and to comply with future state and federal laws related to such, as well as to safeguard the city's digital records and investments.

2.50.020 Definitions.

The following definitions apply to this chapter:

"Electronic signature" has the same meaning as in section 1633.2 of the California Civil Code.

"Digital signature" has the same meaning as in section 16.5 of the California Government Code.

"Director" shall mean the Director of Information Technology for the city.

"Transaction" has the same meaning as in section 1633.2 of the California Civil Code.

"UETA" means the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

2.50.030 Electronic and digital signatures accepted.

A In any transaction with the city in which the parties have agreed to conduct the transaction by electronic means, the city may use and accept an electronic signature if the electronic signature complies with the UETA.

B. In any written communication with the city in which a signature is used or required, the city may use or accept a digital signature, if the digital signature complies with section 16.5 of the California Government Code.

C. The city manager or the director shall determine the documents for which the city may use and accept electronic signatures or digital signatures.

2.50.040 Accepted technologies.

The city manager or the director shall determine acceptable technologies and vendors under this section to ensure the security and integrity of any data and signatures. Prior to accepting a digital signature, the city manager or the director shall comply with all applicable regulations, including but not limited to: ensuring that the level of security used to identify the signer of a document; the level of security used to transmit the signature are sufficient for the transaction be conducted; to the extent necessary, the city manager or the director shall ensure that any certificate involved in obtaining a digital signature by the signer is sufficient for the city's security and interoperability needs; and the city manager or the director shall ensure that the signature is created by an acceptable technology. The city manager or the director shall set forth these determinations in a written policy or administrative regulation.

Section 2. The City Council of the City of El Cajon intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

Section 3. This ordinance shall go into effect thirty (30) days following its passage and adoption.



City Council
Agenda Report

Agenda Item 15.

DATE: March 8, 2022

TO: City Clerk

FROM: City Attorney/General Legal Counsel

SUBJECT: Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property: 31.7-acre vacant site at the northwest corner of Weld Boulevard and Cuyamaca Street

Negotiating Parties: Chesnut Properties, LLC; SGCLMC-Weld Investment Company, L.P.

City Negotiators: City Manager; Assistant City Manager; City Attorney

Under Negotiation: Price and terms for acquisition of leasehold interest, and for new lease-back to Negotiating Parties

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, March 8, 2022, at 3:00 p.m.

MORGAN L. FOLEY
City Attorney / General Legal Counsel

MLF:hms
