

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



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

December 13, 2022

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, December 13, 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 Ortiz
Council/Agencymembers absent:	Kendrick
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 THE FLAG led by Mayor Wells and MOMENT OF SILENCE.

POSTINGS: The City Clerk posted Orders of Adjournment of the November 8, 2022, meeting and the Agenda of the December 13, 2022, meetings in accordance with State Law and El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

AGENDA CHANGES: City Manager Mitchell requested the addition of a Presentation for a Commendation for Fire Chief Steve Swaney.

MOTION BY ORTIZ, SECOND BY METSCHEL, to ADD a Presentation for a Commendation for Fire Chief Steve Swaney.

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

PRESENTATIONS:

- Presentation: International Rescue Committee Resident Leadership Academy
- Presentation: California Department of Insurance
- Commendation: Retirement of Fire Chief Steve Swaney

CONSENT ITEMS: (1 – 11)

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

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

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

Approve Minutes of the November 8, 2022, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

Approve payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title Only

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

CONSENT ITEMS: (Continued)

4. San Diego Cal-ID Remote Access Network (RAN) Board Funding Approval

1. Authorize the City Manager, or designee, to accept the Cal-ID Remote Access Network (RAN) Board approved funding of \$43,000 and to execute any documents and agreements necessary for the receipt and use of these funds; and
2. Appropriate \$43,000 of Cal-ID RAN Board funding to purchase the Mideo LatentWorks Case Management System for the Police Forensic Lab.

5. 2022 Ford F-250 Pickup Truck Purchase

Adopt Resolution No. 112-22 to appropriate \$60,000 of Vehicle and Equipment Replacement Fund (605595) equity for the purchase of a replacement 2022 Ford F-250 pickup truck.

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

Approve and authorize the minimum wage updates to City Council A-29 Policy for the impacted non-represented part-time/seasonal/temporary classifications.

7. Contract Amendment for Bid No. 012-22 - Recreation Center Upgrades - Cool Zones & Evacuation Sites

Adopt Resolution No. 113-22 to amend the scope of work and increase the compensation for the Public Works Contract with M. Brey Electric, Incorporated (MBEI) for the recreation centers' HVAC improvements in the not-to-exceed amount of \$196,155.47.

8. Subdivision Agreement and Final Map for Tentative Subdivision Map (TSM) 667; 999 Bostonia Street, Engineering Job No. 3591

1. Approve the Subdivision Agreement and Final Map for Public Improvements for Tentative Subdivision Map (TSM) 667, 999 Bostonia Street, Engineering Job No. 3591;
2. Authorize the City Manager to execute the agreement and related documentation; and
3. Authorize the City Clerk to release bonds after completion of improvements.

CONSENT ITEMS: (Continued)

9. Subdivision Agreement for Public and Private Improvements and Final Map for Tentative Subdivision Map (TSM) No. 2021-0005; 300 El Cajon Boulevard; Engineering Job No. 3757
 1. Approves the Final Map and Subdivision Agreement for Public and Private Improvements for Tentative Subdivision Map (TSM) 2021-0005, 300 El Cajon Boulevard, Engineering Job No. 3757;
 2. Authorizes the City Manager to execute the agreements and related documentation; and
 3. Authorizes the City Clerk to release bonds after completion of improvements.

10. Award of RFP No. 012-23 – Oakdale Alameda Beautification Project Professional Services

Adopt Resolution No. 114-22 to:

1. Find Nova Engineering, Inc. non-responsive for the reason set forth in the agenda report; and
 2. Enter into an agreement with Chen Ryan & Associates, Inc., in an amount not to exceed \$599,985 for a one-year term.
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11. Contract Amendment for Bid No. 004-22 – Broadway Creek Restoration Phase A

Adopt Resolution No. 115-22 to:

1. Amend the scope of work and increase the compensation and working days for the Public Works Contract with Whillock Contracting, Inc., (WCI) for the restoration project in the not-to-exceed amount of \$592,958.99; and
2. Appropriate \$500,000 of Wastewater Enterprise Fund equity to increase the Broadway Creek Restoration Phase A (173586PWCP) project budget.

PUBLIC COMMENT:

Kenneth Kestner requested four hours in an interrogation room to share his story.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

12. Off-Sale Alcohol Sales at Parkway Plaza

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing;
3. Moves to adopt the next Resolution, in order, approving the California Environmental Quality Act Exemption;
4. Moves to adopt the next Resolution, in order, approving an Amendment to Specific Plan No. 19.

DISCUSSION

Deputy Director of Community Development, Noah Alvey, provided detailed information of the Item.

Mayor Wells opened the Public Hearing.

Skip Janes, representing Aldi Store, spoke in support of the Item.

Discussion ensued among Council and Staff concerning the following:

- Square footage of the store; and
- Clarification that the Amendment to Specific Plan No. 19 only includes the sale of beer and wine.

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

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

Councilmember Goble commented on being more flexible in requirements, to attract more national stores to the El Cajon area.

MOTION BY ORTIZ, SECOND BY METSCHEL, to ADOPT Resolution No. 116-22, Approve the California Environmental Quality Act Exemption; and ADOPT Resolution No. 117-22 to Approve an Amendment to Specific Plan No. 19.

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

PUBLIC HEARINGS: (Continued)

13. Zoning Code Update

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing;
3. Moves to adopt the next Resolution, in order, approving the California Environmental Quality Act exemption; and
4. Moves to introduce for first reading the next Ordinance, in order, approving Zoning Code Amendment No. 2022-0002.

DISCUSSION

Deputy Director of Community Development, Noah Alvey, provided detailed information of the Item.

Mayor Wells opened the Public Hearing.

No public comment was received for the Item.

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

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

MOTION BY ORTIZ, SECOND BY METSCHEL, to ADOPT Resolution No. 118-22, Approve the California Environmental Quality Act Exemption; and Moves to introduce for first reading the next Ordinance, in order, approving Zoning Code Amendment No. 2022-0002.

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

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

AN ORDINANCE APPROVING ZONING CODE AMENDMENT NO. 2022-0002 FOR AN AMENDMENT TO TITLE 17 OF THE EL CAJON MUNICIPAL CODE FOR ECONOMIC DEVELOPMENT, HOUSING, AND OTHER MINOR TECHNICAL CHANGES, REVISIONS, AND EDITS

ADMINISTRATIVE REPORTS:

14. Selection of Deputy Mayor

RECOMMENDATION:

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

DISCUSSION

City Manager Mitchell provided information on the Item, and shared the rotation for the last four (4) years. The recommendation would be for Councilmember Goble to be the next Deputy Mayor for the 2023 calendar year.

No public comment was received.

MOTION BY WELLS, SECOND BY METSCHEL, to APPOINT Councilmember Goble as Deputy Mayor according to the El Cajon Municipal Code for the 2023 Calendar Year.

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

15. Downtown El Cajon Business Partners' Annual Report

RECOMMENDATION:

That the City Council receives the Downtown El Cajon Business Partners' annual report and financial statements and provides feedback.

DISCUSSION

City Manager Mitchell provided detailed information of the Item and informed the City Council that a representative from the Downtown El Cajon Business Partners' was not present to answer questions.

Rich Riel requested that the report be moved to a future meeting, to allow the Downtown El Cajon Business Partners' to be present.

MOTION BY WELLS, SECOND BY METSCHEL, to POSTPONE the Downtown El Cajon Business Partners' Annual Report until January 2023.

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

ADMINISTRATIVE REPORTS: (Continued)

16. City Council Action Plan (2022) - Status Report

RECOMMENDATION:

That the City Council receives the status report on its 2022 Action Plan and provides feedback.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

No public comment was received.

The City Council acknowledged the report received.

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

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

17. Council Activities Report/Comments

Report as submitted.

18. City Council Assignments

RECOMMENDATION:

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

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

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

ACTIVITIES REPORTS OF COUNCILMEMBERS:

19. COUNCILMEMBER STEVE GOBLE
MTS (Metropolitan Transit System Board); East County Advanced Water Purification Joint Powers Authority Board; Chamber of Commerce – Government Affairs Committee; SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate.

Council Activities Report/Comments.

Report as submitted.

20. COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Council Activities Report/Comments.

Report as submitted.

21. DEPUTY MAYOR MICHELLE METSCHEL
Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate; METRO Commission/Wastewater JPA – Alternate.

Council Activities Report/Comments.

Report as submitted.

22. 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:

23. Ad Hoc Committee on Safe Motels

RECOMMENDATION:

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

DISCUSSION

Councilmembers Goble and Ortiz provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Safety of those renting motel rooms;
- Data on type of mental problems;
- Motel renters more prone to medical problems;
- Motel rooms used as permanent housing;
- Coordination with the County of San Diego for services; and
- Property owner’s responsibility if issues arise at motels.

MOTION BY WELLS, SECOND BY METSCHEL, to RECEIVE the report.

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

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION

24. An Ordinance Amending Section 13.37.040 of Chapter 13.37 of the El Cajon Municipal Code to Eliminate Building Sewer Inspections related to Residential Property Improvements

RECOMMENDATION:

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

DISCUSSION

No public comment was received.

ORDINANCES: SECOND READING AND ADOPTION: (Continued)

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

AN ORDINANCE TO AMEND SECTION 13.37.040 OF CHAPTER 13.37 OF THE EL CAJON MUNICIPAL CODE TO ELIMINATE BUILDING SEWER INSPECTIONS RELATED TO RESIDENTIAL PROPERTY IMPROVEMENTS

MOTION BY ORTIZ, SECOND BY METSCHEL, to Adopt Ordinance No. 5130, APPROVING an Ordinance to amend Section 13.37.040 of Chapter 13.37 of the El Cajon Municipal Code to eliminate Building Sewer Inspections related to Residential Property Improvements

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

CLOSED SESSIONS:

25. Closed Session - CONFERENCE WITH LABOR NEGOTIATORS Agency Designated Representatives: Graham Mitchell, Marisol Thorn - Employee Organizations: El Cajon Mid-Management and Professional Employees Group; El Cajon Municipal Employees; El Cajon Professional Firefighters Local 4603
26. Closed Session - CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 - One (1) potential case

Facts and circumstances: In response to warnings issued to seven (7) motels that they are violating the City's zoning code by exceeding the maximum amount of accessory use by establishing emergency shelters in their facilities through the use of County of San Diego motel vouchers, the State of California Department of Justice, Office of Attorney General, has notified the City that such actions violate the State's Fair Employment and Housing Act.
27. Closed Session - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: First Main Partners, Inc. v. City of El Cajon, et al. San Diego Superior Court Case No. 37-2020-00022053-CU-OR-CTL

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

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

CLOSED SESSIONS: (Continued)

RECONVENED to Open Session at 5:03 p.m.

City Attorney Foley reported the following actions:

25. Direction given to Negotiator
26. Council ended the assignment of Special Counsel Services, previously assigned to the City Attorney and the City Manager
27. Direction given to City Attorney

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 13th day of December, 2022, at 5:04 p.m., to Tuesday, December 13, 2022, at 7:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary