



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

Council Chamber  
200 Civic Center Way  
El Cajon, CA 92020

## Joint Special Meeting Revised Agenda MARCH 21, 2023 2:15 p.m.

Bill Wells, Mayor  
Steve Goble, Deputy Mayor  
Gary Kendrick, Councilmember  
Michelle Metschel, Councilmember  
Phil Ortiz, Councilmember

Graham Mitchell, City Manager  
Vince DiMaggio, Assistant City Manager  
Morgan Foley, City Attorney  
Angela Cortez, City Clerk

**CALL TO ORDER: Mayor Bill Wells**

**ROLL CALL: City Clerk Angela Cortez**

**PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE**

### **ADMINISTRATIVE REPORT:**

1. Regulating the Use of El Cajon Lodging Establishments for Regional Homeless Solutions

#### **RECOMMENDATION:**

That the City Council provide direction to staff.

### **1. CLOSED SESSION:**

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

**ADJOURNMENT: The Joint Special Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 21st day of March 2023, is adjourned.**



City Council  
Agenda Report

**DATE:** 03/21/2023  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Graham Mitchell, City Manager  
**SUBJECT:** Regulating the Use of El Cajon Lodging Establishments for Regional Homeless Solutions

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**RECOMMENDATION:**

That the City Council provide direction to staff.

**BACKGROUND:**

The purpose of this agenda item is to provide the City Council with possible considerations to stem the impacts of El Cajon motels being used as the region's solution for homelessness. The attached memo provides six options for the City Council to consider.

Background Information

The City of El Cajon does its share, and more, toward solving homelessness in the region. No other city has as many shelter beds per capita, the City piloted the "A Way Back Home" program with the Salvation Army, the City was the first East County city to fund the East County Homeless Task Force, the City piloted the emergency cabin program for the region, and the City was one of the first to provide housing navigation to assist homeless off the street and into permanent housing. The City of El Cajon is a leader in the region when it comes to providing homeless solutions.

Last Fall, the City noticed an uptick in crime, calls for service, and criminal behavior at and around several motels in the City. Through some investigation, the City determined that at least eight motels were being occupied by 50 percent or more with guests relying on a housing voucher through one of many programs. In essence, these motels had been converted into homeless shelters. In El Cajon, a homeless shelter requires a Conditional Use Permit to operate legally. When the City Council explored options to regulate these motels, it was thwarted by warnings from the California Attorney General's office, citing possible violation of fair housing & employment law.

Since the City called attention to the use of El Cajon motels being used as the region's homeless sheltering solution, staff believes that the use of local motels has continued and grown. Records from the County's Regional Homeless Assistance Program show that the number of those housed in El Cajon has increased from 112 on October 25, 2022 to 132 on March 15, 2023--about an 18 percent growth. Further, the City is learning about other programs relying on El Cajon motels. Also, since November, the City has experienced a teen shot in the head and two registered sex offenders (with ankle bracelets) engaging in and filming

them having sex with an alleged minor (press release attached). Also, over this past weekend, in addition to the sexual molestation incident, the Police Department arrested a sex offender staying at a local motel with the use of a County voucher administered by EQUUS.

Again, the purpose of this agenda item is to consider several recommendations for City Council discussion and feedback. Those recommendations are included in the attached memo.

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

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#### Attachments

Motel Memo



## MEMORANDUM

DATE: March 20, 2023  
TO: El Cajon Mayor & City Council  
FROM: Graham Mitchell, City Manager  
SUBJECT: Regulating the Use of El Cajon Lodging Establishments – Ensuring Responsible Guests Requirements

The City of El Cajon does its share, and more, toward solving homelessness in the region. No other jurisdiction in San Diego County has as many shelter beds per capita, the City piloted the "A Way Back Home" program with the Salvation Army, the City was the first East County city to fund the East County Homeless Task Force, the City piloted the emergency sleeping cabin program for the region, and the City was one of the first to provide housing navigation to assist homeless off the street and into permanent housing. The City of El Cajon is a leader in the region in the provision of homeless solutions.

Last fall, the City noticed an uptick in crime, calls for service, and criminal behavior at and around several motels in the City. Through some investigation, the City determined that at least eight motels were being occupied by 50 percent or more with formerly homeless individuals from outside of El Cajon who were relying on housing assistance through one of many programs. In essence, these motels had been converted into homeless shelters, but without concern on the part of the motels for to use better judgment in catering to responsible guests. In El Cajon, a homeless shelter in a commercial zone requires a Conditional Use Permit to operate legally. When the City Council explored options to regulate these motels, it was thwarted by warnings from the California Attorney General's office, citing possible violation of fair housing & employment law. Since the City called attention to the use of El Cajon motels being used as the region's homeless sheltering solution, staff believes that the use of local motels has continued and grown, yet motel operators have been incentivized to fill the rooms (see below), yet given no disincentives for improper screening of their guests.

Records from the County's Regional Homeless Assistance Program show that the number of those housed in El Cajon has increased from 112 on October 25, 2022 to 132 on March 15, 2023—about an 18 percent growth. Further, the City is learning about other programs relying on El Cajon motels. Also, since November, the City has experienced a teen shot in the head and two registered sex offenders (with ankle bracelets) alleged to have engaged in and filming themselves having sex with an alleged minor. Also, over this past weekend, in addition to the sexual molestation incident, the Police Department arrested a sex offender staying at a local motel with the use of a County voucher administered by EQUUS.

The following considerations are presented for City Council discussion and feedback.

### Options to Consider

Staff presents the City Council with six options for discussion and consideration. Several of the options can be explored simultaneously. Also, each has varying levels of legal exposure. As part of the special City Council meeting, a closed session has also been scheduled so that the

City Attorney can provide legal analysis of the possible options.

All of the options presented have objectives to:

1. reduce negative impacts to neighborhoods surrounding motels;
2. ensure safe environments for guests of motels (traditional guests and those staying through a homeless assistance program);
3. reduce calls for service and stress on public safety resources;
4. have a better understanding of how motels are being utilized in the City; and
5. ensure that registered sex offenders do not pose a risk to the community.

*Establish conditions for sex offenders housed in a motel through a homeless assistance program* (colloquially known as “vouchers”) – one option for consideration is to impose conditions on the motels, other government agencies, and homeless service providers to:

- provide a report to the Police Department within two hours of housing a registered sex offender at a motel (currently, most registrants have up to ten days to report), and
- prohibit the use of a motel within 2,000 feet of a school and/or licensed day care facility.

*Ninety-day moratorium on the use of housing assistance (vouchers) in El Cajon motels* – a second option is to consider a moratorium on all use of El Cajon motels for housing, except for those service providers that have agreements with the City. Alternatively, the moratorium can be for any new individuals. The purpose of the moratorium is to give the City time to meet with other government agencies, service providers, motels, and other stake holders to understand how to create safer and more equitable programs. During this period, ideally, service providers will develop better operating procedures so that there is no need for City intervention or regulations.

*Motel 6 before the Planning Commission* – similar to the El Cajon Inn & Suites, once the criminal investigation for the alleged sex crime that occurred within the past week at Motel 6, if warranted, provide Motel 6 with notice of a hearing before the Planning Commission to consider revocation of their deemed approved status or, if applicable, their operating permit.

*Condition on lodging establishments to inform City of participation in homeless housing programs (vouchers)* – so that the City is aware of how to address neighborhood concerns and provide safe living conditions for those experiencing homelessness, the City Council could consider directing staff to prepare an ordinance that requires motels to inform the City of whether they participate in a homeless housing assistance program, how many rooms are designated for this use, which agencies they have contracts with, and the room rates being charged.

*Condition requiring a criminal record search be conducted prior to housing an individual in a lodging establishment* – another regulatory option for City Council consideration is to direct staff to draft an ordinance that would require the motel or a service provider to run a criminal background check on those being housed at El Cajon motels. This information would be passed along to the Police Department so there is knowledge of who is temporarily staying in El Cajon and assess potential risks. For example, the City can help mitigate problems that the motel operator or service provider may not know about.

*Formal request to investigate price gouging* – the last option for consideration is for the City Council to direct staff to formally request of the San Diego County District Attorney's Office and the County of San Diego Grand Jury an investigation of price gouging by motels. Through records searches and discussions with motel operators, staff understands that rooms that typically rent for no more than the low to mid-\$80 rate are being rented by service providers for as much as \$145 per night (or \$4,495 per month)--this is a 70 increase in the rate that a typical motel guest would pay. Because these rates are being funded by tax payer dollars, staff believes it is

appropriate to further investigate. The City Council may also wish to direct staff to request our State legislators to consider introducing legislation to protect taxpayers from this price gouging scheme as well.



City Council  
Agenda Report

Agenda Item 1.

**DATE:** 03/21/2023

**TO:** City Clerk

**FROM:** City Attorney/General Legal Counsel

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

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**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 21, 2023, at 2:15 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9:

Number of potential cases: 1

MORGAN L. FOLEY  
City Attorney/General Legal Counsel

MLF:hms

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