



#### **Time and Location**

2nd and 4th Tuesday of each month. 3:00 PM

Council Chambers 200 Civic Center Way El Cajon, CA 92020



#### **Watch Online**

elcajon.gov/videostreaming
or Facebook Live (comments are not monitored)



#### **In-Person Comments**

Members of the public may address the City Council/Agency Members on any item listed on the agenda, or on matters which are not listed on the agenda but are within the subject matter jurisdiction of the City Council, Housing Authority and Successor Agency to the El Cajon Redevelopment Agency.

Public comments are limited to three (3) minutes per person, per agenda item. **CLICK HERE** for additional instruction on in-person comments.



#### **Written Comments**

Comments must be emailed to <a href="mailto:acortez@elcajon.gov">acortez@elcajon.gov</a> or mailed to the City Clerk at 200 Civic Center Way, El Cajon, CA 92020 and received by 4:00 pm the day prior to the City Council meeting for prompt distribution. Written public comments will be recorded in the public record and will be provided to the City Council in advance of the meeting for review.



#### **Listening Devices and other Accomodations**

ALDs are available from the City Clerk's office. As required by the Americans with Disabilities Act (ADA), requests for reasonable accommodations to facilitate meeting participation will be provided, please contact the City Clerk's office at least two (2) working days prior to the meeting at 619.441.1763.



Council Chamber 200 Civic Center Way El Cajon, CA 92020

#### Agenda

JUNE 25, 2024, 3:00 p.m.

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

**POSTINGS:** The City Clerk posted Orders of Adjournment of the June 11, 2024, Meeting and the Agenda of the June 25, 2024, Meeting in accordance to State Law and City Council/Housing Authority/Successor Agency to the Redevelopment Agency Policy.

#### PRESENTATIONS:

Edible Food Recovery Program Status (SB 1383)

#### **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 June 11, 2024, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

#### 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. Continuation of Emergency for Storm Damage Repairs to Public Facilities

#### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, proclaiming the Continuation of Emergency for Storm Damage Repairs to Public Facilities.

5. Rejection of Bid No. 004-25 – Solar PV and Battery Storage Improvements

#### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, to reject the sole bid.

6. Award of Bid No. 013-25 – As-Needed Miscellaneous Fence/Guardrail Repair & Installation

#### RECOMMENDATION:

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

- 1. Approve the Plans and Specifications for As-Needed Miscellaneous Fence/Guardrail Repair & Installation, Bid No. 013-25; and
- 2. Find the first low bidder non-responsive for the reason set forth in this agenda report, and award the bid to the lowest responsive, responsible bidder, Ferreira Construction Co., Inc. dba Ferreira Coastal Construction Co., in the not-to-exceed amount of \$315,000, with the option to renew for four additional one-year periods.
- 7. Continuation of Emergency for Sewer System Repairs

#### RECOMMENDATION:

That the City Council adopts the next Resolution, in order, proclaiming the Continuation of Emergency for Sewer System Repairs.

CalRecycle SB 1383 Grant - Edible Food Recovery and Recycling

#### **RECOMMENDATION:**

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

- 1. Authorize the City Manager or designee to accept, appropriate, and expend funds, in the amount of \$278,977, received from the FY2022-23 CalRecycle SB 1383 Grant (SB-1383-23); and
- Authorize the City Manager or designee to execute any documents and agreements necessary to receive and use these funds.
- 9. Award of RFP No. 009-25 Washington Avenue Safety Improvements Project Professional Services

#### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, to enter into an agreement with Dokken Engineering (DE), in an amount not to exceed \$364,945 for a one-year term.

10. Disposal of Retired Property

#### RECOMMENDATION:

That the City Council declares the listed property retired and authorizes disposal in accordance with policy.

11. Minor Budget Adjustments and Amendments

#### **RECOMMENDATION:**

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

- 1. Modify the appropriations as detailed in the report;
- 2. Allocate, appropriate, and expend additional CDBG funds for the NSL Project in Fiscal Year 2023-2024 (233784PWCP) in the amount of \$3,724.92; and
- 3. Allocate, appropriate and expend \$5,917 in CDBG Program Income for administrative costs (C1116) in Fiscal Year 2023-2024.
- 12. Board of Supervisors Appointment to Gillespie Field Development Council

#### RECOMMENDATION:

That the City Council ratifies the Board of Supervisors appointment of Barry Bardack to the Gillespie Field Development Council for a term to expire December 31, 2028.

13. Conflict of Interest Code - Biennial Review

#### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, approving changes to the designated employee and official positions required to be filed under the City's Conflict of Interest Code.

#### **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:**

14. Fiscal Year 2024-25 Annual City, Housing Authority, and Successor Agency Budgets

#### RECOMMENDATION:

That the City Council, Housing Authority, and the City of El Cajon as Successor Agency to the former Redevelopment Agency hold a joint public hearing to consider the Fiscal Year 2024-25 Proposed Budgets. After closing the public hearing, staff recommends the following:

- 1. Acting as the City Council, individually adopt the following:
  - a. Resolution of the City of El Cajon Adopting the Fiscal Year 2024-25 Annual Budget.
  - b. Resolution Approving and Adopting the Annual Appropriations Limit for Fiscal Year 2024-25.
  - c. Resolution Approving Designation of General Fund Balances.
- Acting as the Housing Authority Board of Directors, adopt Resolution titled: Resolution of the El Cajon Housing Authority Adopting the Fiscal Year 2024-25 Budget.
- 3. Acting as the Successor Agency to the former Redevelopment Agency Board of Directors, adopt Resolution titled: Resolution of the City Council of the City Of El Cajon as the Successor Agency to the former El Cajon Redevelopment Agency Adopting the Fiscal Year 2024-25 Budget.

#### ADMINISTRATIVE REPORTS:

15. Interview for City Committee

#### RECOMMENDATION:

That the City Council conducts an interview for a City of El Cajon representative on the Mission Trails Regional Park Citizens' Advisory Committee.

16. All-Way Stop Sign Request on Sandalwood Drive at Applewood Drive

#### RECOMMENDATION:

That the City Council adopts the next Resolution, in order to establish permanent all-way stop signs on Sandalwood Drive at the intersection of Applewood Drive in order to enhance pedestrian and traffic safety.

17. Third Amendment to Management Agreement with Live Nation – Incentive Bonus

#### **RECOMMENDATION:**

That the City Council authorizes the City Manager to execute the Third Amendment to the Management Agreement between the City and Live Nation Worldwide, Inc.

18. Report on a Ballot Initiative to Amend Proposition 47 and a Review of Various Related Legislative Bills

#### RECOMMENDATION:

This is an informational item only. No action is required by the City Council.

19. Summary of Town Hall Meetings Regarding Possible Sales Tax Measure

#### **RECOMMENDATION:**

That the City Council receive the report.

#### **COMMISSION REPORTS:**

#### **ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS**

SANDAG (San Diego Association of Governments) Board of Directors.

20. Council Activity Report

#### **ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:**

#### 21. 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.

#### 22. **COUNCILMEMBER GARY KENDRICK**

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

#### 23. COUNCILMEMBER MICHELLE METSCHEL

Harry Griffen Park Joint Steering Committee; METRO Commission/Wastewater JPA – Alternate; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.

#### 24. DEPUTY MAYOR 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

**ORDINANCES: SECOND READING AND ADOPTION** 

#### **CLOSED SESSIONS:**

ADJOURNMENT: The Adjourned Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 25th day of June 2024, is adjourned to Tuesday, July 9, 2024, at 3:00 p.m.

#### Agenda Item 1.



#### City Council Agenda Report

**DATE:** June 25, 2024

**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 June 11, 2024, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

06-11-24DRAFTminutes - 3PM

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



#### **MINUTES**

#### CITY OF EL CAJON EL CAJON, CALIFORNIA

#### June 11, 2024

A Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, June 11, 2024, 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/ Council/Agencymembers absent: Deputy Mayor/Vice Chair present: Mayor/Chair present: Other Officers present:

Kendrick, Metschel, and Goble

None Ortiz Wells

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 May 28, 2024, meeting and the Agenda of the June 11, 2024, meeting in accordance with State Law and El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

#### PRESENTATIONS:

The Wall That Heals

Tyler Excellence Award

**AGENDA CHANGES: None** 

CONSENT ITEMS: (1 – 15)

## MOTION BY WELLS, SECOND BY METSCHEL, to APPROVE Consent Items 1 to 15.

MOTION CARRIED BY UNANIMOUS VOTE.

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

Approve Minutes of the May 28, 2024, 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.

- 4. General Municipal Election November 5, 2024
  - Adopt Resolution No. 076-24 Calling and Giving notice of the November 5, 2024, General Municipal Election for the election of three Members of the City Council of the City of El Cajon: one member each for District No. 2, District No. 3, and District No. 4, each serving a full four-year term to expire December 2028;
  - Adopt Resolution No. 077-24 requesting the County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election on November 5, 2024;
  - 3. Adopt Resolution No. 078-24 adopting regulations for candidates calling for prepayment for a 200-word Candidate's Statement; and
  - 4. Adopt Resolution No. 079-24 adopting regulations to resolve a tie vote for the City Council Election by lot.

#### **CONSENT ITEMS: (Continued)**

5. Continuation of Emergency for Storm Damage Repairs to Public Facilities

Adopt Resolution No. 080-24 proclaiming the Continuation of Emergency for Storm Damage Repairs to Public Facilities.

- 6. Adoption of the Road Maintenance and Rehabilitation Account (RMRA) List of Proposed Projects for FY 2024-25
  - 1. Adopt Resolution No. 081-24 adopting the proposed List of Projects to be funded from the Road Maintenance and Rehabilitation Account (RMRA) Local Streets and Roads Funding Program for Fiscal Year 2024-25; and
  - 2. Direct City staff to submit to the California Transportation Commission (CTC) a list of proposed projects to receive RMRA funding for Fiscal Year 2024-25.
- 7. Application of Animal Shelter Construction Donations

Approve the retroactive application of donations received for the Animal Shelter building to fund Animal Shelter project costs.

8. FY 2021 Urban Area Security Initiative (UASI) Grant Funding Modification for 6 Unmanned Aerial Systems (UAS)

Adopt Resolution No. 082-24 authorizing the City Manager or designee to accept, appropriate, and expend the modification to the FY 2021 Urban Area Security Initiative (UASI) Grant fund in the additional amount of \$191,000, and to execute any grant documents and agreements necessary for the receipt and use of these funds.

9. Award of RFP No. 026-24 – Audio Visual Upgrades & As-Needed Support Services Re-Bid

Adopt Resolution No. 083-24 to enter into an agreement with EIDIM Group, Inc. (EIDIM), in an amount not to exceed \$299,997.10 for the initial one-year term, with the option to renew for four additional one-year periods.

10. Award of Bid No. 006-25 – Street Sweeping Services for the Cities of El Cajon, Del Mar, & Solana Beach

#### **CONSENT ITEMS: (Item 10 - Continued)**

- Adopt Resolution No. 084-24 to Approve the Plans and Specifications for Street Sweeping Services for the Cities of El Cajon, Del Mar, & Solana Beach, Bid No. 006-25; and
- 2. Adopt Resolution No. 085-24 to Award the bid to the lowest responsive, responsible bidder, SCA of CA, LLC, in the not-to-exceed amount of \$710,577.20, with the option to renew for four additional one-year periods. The City of El Cajon's portion of the award is \$602,024.02 for the first year.
- 11. Disposal of Retired Property

Declare the listed property retired and authorize disposal in accordance with policy.

12. California 9-1-1 Emergency Communications Branch Funding for Emergency Telephone System Replacement

Adopt Resolution No. 086-24 to authorize the City Manager, or designee, to accept, appropriate, and expend the State of California, Office of Emergency Services, Public Safety Communications, California 9-1-1 Emergency Communications Branch reimbursement in the amount of \$43,796.59, and to execute any documents and agreements necessary for the receipt and use of these funds.

- 13. Declaration of Emergency for Sewer System Repairs; Authorization to Waive Bidding
  - 1. Adopt Resolution No. 087-24 to establish a Declaration of Emergency and determine that the public interest and necessity require the immediate expenditure of public money to safeguard life, health, or property as required by the Public Contract Code section 22050; and
  - 2. Approve \$580,000 for repairs in the Wastewater Operations Fund to cover the cost of the emergency work.
- 14. SB 1383 De Minimis, Physical Space, and Collection Frequency Waivers to Organics Recycling

Adopt Resolution No. 088-24 to:

 Approve the process to waive organic waste recycling services by commercial businesses upon proof of meeting thresholds due to de minimis waste, lack of physical space for containers, or reduced frequency for collection of organic waste, as allowed by 14 CCR section 18984.11; and

#### **CONSENT ITEMS: (Item 14 - Continued)**

- 2. Authorize the Director of Public Works Operations Department to generate, approve, and manage applications from commercial businesses for the special waivers.
- 15. Time Extension of Tentative Parcel Map (TPM No. 667), 1474 Peach Avenue

Grant a one-year time extension for Tentative Parcel Map No. 667 (1474 Peach Avenue, APN 507-281-23-00) and set the last expiration date to be May 18, 2027, in accordance with Municipal Code Section 16.124.180. The TPM consists of a common interest development consisting of two parcels and a lot for access purposes.

#### **PUBLIC COMMENT:**

Brenda Hammond spoke about her volunteering experiences, and expressed how much she enjoys the concerts in the City.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS: None

ADMINISTRATIVE REPORTS:

16. Fiscal Year 2024-25 Preliminary Annual Budget

RECOMMENDATION:

That the City Council, Housing Authority, and the City of El Cajon, as Successor Agency to the former Redevelopment Agency, receives information related to the proposed Fiscal Year 2024-25 Preliminary Annual Budget.

#### DISCUSSION

Director of Finance, Clay Schoen, provided detailed information of the Item.

No public comment was received.

Discussion ensued among Council and Staff regarding how cuts to any department, such as Information Technology or Human Resources, would affect the Police and Fire Departments, as each department contributes to a smooth running operation.

#### **ADMINISTRATIVE REPORTS: (Item 16 – Continued)**

MOTION BY ORTIZ, SECOND BY METSCHEL, to RECEIVE information related to the proposed Fiscal Year 2024-25 Preliminary Annual Budget.

#### MOTION CARRIED BY UNANIMOUS VOTE.

17. City Council Meeting Schedule

RECOMMENDATION:

That the City Council considers canceling its August 27, 2024 meeting.

#### DISCUSSION

City Manager Mitchell, provided detailed information of the Item.

No public comment was received.

MOTION BY WELLS, SECOND BY METSCHEL, to CANCEL the August 27, 2024 meeting.

MOTION CARRIED BY UNANIMOUS VOTE.

**COMMISSION REPORTS:** None

**ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:** 

SANDAG (San Diego Association of Governments) Board of Directors.

18. Council Activities Report/Comments

Report as submitted.

#### **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.

#### **ACTIVITIES REPORTS OF COUNCILMEMBERS: (Countinued)**

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

Council Activities Report/Comments.

In addition to the submitted report, Councilmember Kendrick stated that he attended a Metro Wastewater JPA meeting on June 6, 2024.

21. COUNCILMEMBER 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. DEPUTY MAYOR 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.

In addition to the submitted report, Deputy Mayor Ortiz stated that he attended a Gillespie Field Development Council meeting on June 11, 2024.

JOINT COUNCILMEMBER REPORTS: None

**GENERAL INFORMATION ITEMS FOR DISCUSSION: None** 

**ORDINANCES: FIRST READING - None** 

**ORDINANCES: SECOND READING AND ADOPTION - None** 

#### **CLOSED SESSIONS: None**

Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 11<sup>th</sup> day of June, 2024, at 3:56 p.m., to Tuesday, June 25, 2024, at 3:00 p.m.

ANGELA L. CORTEZ, CMC City Clerk/Secretary





#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

FROM: Yazmin Arellano, Director of Public of Works

**SUBJECT:** Continuation of Emergency for Storm Damage Repairs to Public Facilities

#### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, proclaiming the Continuation of Emergency for Storm Damage Repairs to Public Facilities.

#### **BACKGROUND:**

This report provides an update on the Emergency Storm Damage Repairs to public facilities incurred by our City due to recent storms. On February 15, 2024, the City Manager declared an emergency for immediate repairs to protect surrounding property, maintain the integrity of critical stormwater infrastructure, and preserve life and safety. On February 27, 2024, the City Council ratified the City Manager's Declaration and established a Declaration of Emergency with Resolution No. 021-24. The following is an overview of actions taken and next steps:

#### Stormwater Channels - COMPLETED

On March 27, 2024, Jimenez Inc. dba MJC Construction (MJC Construction) completed the concrete channel bottom and wall repairs on the County Channel and Forester Creek. The repairs included water diversion and the removal and replacement of steel-reinforced concrete. The initial anticipated cost estimate for repairs was \$200,000. With all work completed, the final amount was \$150,000.

#### **Collapsed Trees - COMPLETED**

West Coast Arborist completed the removal of a collapsed tree on Avocado Avenue and a tree obstructing the natural storm channel along the east side of Avocado Avenue. The estimated cost for removal is \$10,000, with the final cost being \$11,281.25.

#### **Slope Erosion - IN PROCESS**

On March 12, 2024, Kleinfelder, a geotechnical engineering company, visited the site to observe the slide area. The geologist completed the geologic mapping of the western slope of Avocado Avenue north of Skywood Drive and provided preliminary recommendations on addressing the slope erosion. The recommendations included methods to mitigate the existing slope erosion, including digging back the upper ten feet of the slope to a shallower gradient, removing overhangs and vertical slope sections, and installing a catchment structure along the slope toe to impede or slow any failed material. Staff coordinated the work to remove immediate hazards with contractors experienced with slope remediation techniques.

Montano Pipeline completed the work associated with the upper slope area (digging back to a shallower gradient) on April 30, 2024. The approximate cost for this work is \$262,656. Kleinfelder is performing the catchment structure design. A sonic core drilling subcontractor performed work on May 15 and 16, 2024. The data generated from the sonic core drilling subcontractor will allow Kleinfelder to specify the type, length, and spacing/layout of the rock anchors for the rock netting mitigation system. Geotechnical engineering work is estimated to cost \$225,000. Once the design of the catchment structure is completed, Montano Pipeline will provide the installation cost for approval.

A professional Land Surveying consultant marked the City of El Cajon's slope-and-drainage easement, recorded in 1973, and confirmed the jurisdictional boundaries. The #2 southbound lane of Avocado Avenue remains closed to traffic. Initially, there were some assumptions that several private property owners had liability in the slope failure. However, after further investigation, it is apparent that the City will bear responsibility for repair and mitigation measures.

#### Wells Park Baseball Dugouts - IN PROCESS

The Wells Park dugout roofs on the baseball fields collapsed during the storm due to heavy rain and moisture. Public Works staff demolished and disposed of both collapsed dugout roofs. Staff has coordinated the structural design and replacement of both structures with MJC Construction. Construction of the replacement roofs will begin once the structural drawings are complete and approved by the City. The estimated cost is \$36,260.

On March 12, 2024, City staff attended a mandatory meeting regarding authorized California Disaster Assistance Act (CDAA) funding for San Diego County for the January 2024 Winter Storm to help impacted communities recover from the event. City staff submitted the necessary documentation to apply for reimbursement utilizing the CDAA Program. If it is determined that our emergency expenditures are eligible costs, Cal OES will reimburse the City for up to 75% of eligible repair work costs related to this emergency.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Emergency repairs to publicly-owned service facilities necessary to maintain service essential to the public health, safety, or general welfare are exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15269(b) (Emergency Projects) of the State CEQA Guidelines

#### FISCAL IMPACT:

In the Fiscal Year 2023-24 Budget, funding is available in the amount of \$700,000 in Wastewater Maintenance Annual (650720).

Prepared By: Yazmin Arellano, Director of Public Works Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

**Attachments** 

Resolution

#### RESOLUTION NO. \_\_\_\_-24

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON PROCLAIMING THE CONTINUATION OF EMERGENCY FOR STORM DAMAGE REPAIRS

WHEREAS, the El Cajon City Council ("City Council") is authorized under section 8630 of the California Government Code to proclaim the existence of a local emergency when conditions exist within the jurisdiction of the City of El Cajon (the "City") which pose an extreme peril to public health, safety and life; and

WHEREAS, section 8.08.060 of the El Cajon Municipal Code empowers the City Council to proclaim a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, after the discovery of storm-caused damage in three (3) locations in Forester Creek and damage at another location of a storm drain channel north of Johnson Avenue (the "County Channel"); fallen and damaged trees on, and erosion on the western slope of, Avocado Avenue, north of Skywood Drive (adjoining City limits to the west); and later discovered collapsed dugout roofs at the Wells Park baseball fields, the City Manager declared an emergency on February 15, 2024; and

WHEREAS, while the repairs to the County Channel, the removal of fallen and damaged trees on Avocado Avenue, and the repairs to the channel bottom of Forester Creek have been completed, replacement of the collapsed dugout roofs at the Wells Park baseball fields and repairs to the slope erosion to the western slope of Avocado Avenue remain ongoing, and it is necessary for the City Council to again ratify the City Manager's proclamation of emergency on February 15, 2024, as ratified by the City Council on February 27, 2024, by Resolution No. 021-24; on March 12, 2024, by Resolution No. 024-24; on March 26, 2024, by Resolution No. 030-24; on April 9, 2024, by Resolution No. 035-24; on April 23, 2024, by Resolution No. 037-24; on May 14, 2024, by Resolution No. 046-24; on May 28, 2024, by Resolution No. 070-24, and on June 11, 2024 by Resolution No. 080-24.

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

- 1. That the foregoing recitals are true and correct, and are the findings of the City Council.
- 2. That in adopting Resolution No. 021-24, the City Council approved an exemption from further environmental review under section 15269(b) (Emergency Projects) of California Environmental Quality Act ("CEQA") Guidelines, and authorized staff to file a notice of exemption for this emergency project.
- 3. That the City Council hereby proclaims the continuation of the local emergency for storm damage repairs.

- 4. That the City Manager, or such person designated by the City Manager, is authorized and directed to apply for, and execute such documents required to establish eligibility to, reimbursement of storm repair work in accordance with such state and federal disaster relief programs established to assist local governments following the January 2024 Winter Storm, including, but not limited to, the California Disaster Assistance Act through the Governor's Office of Emergency Services.
- 5. That the local emergency shall be deemed to continue to exist until termination is proclaimed by the City Council of the City of El Cajon.

06/25/24 CC Agenda Reso - Proclaiming Emergency Continuation #8 for Storm Damage Repairs 061124



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Mara Romano, Purchasing Agent

**SUBJECT:** Rejection of Bid No. 004-25 – Solar PV and Battery Storage Improvements

#### RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to reject the sole bid.

#### **BACKGROUND:**

The Solar PV and Battery Storage Improvements project entails furnishing and installing solar photovoltaic panels, carport canopies, and a City-furnished battery energy storage system.

The bid was advertised on February 29, 2024. One response was received and evaluated on April 10, 2024. The sole bidder's response exceeded the City's budget for the scope of work. As such, staff will explore alternative procurement options and recommend the City Council adopt a Resolution to reject the sole bid.

A bid summary is attached and the proposal is on file in the Purchasing Division.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Rejection of the bid is not subject to the California Environmental Quality Act (CEQA) since there is no project.

#### FISCAL IMPACT:

None.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Bid Summary - 004-25

#### RESOLUTION NO. \_\_\_\_-24

#### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON REJECTING THE PROPOSAL OF THE SOLE BIDDER FOR SOLAR PV AND BATTERY STORAGE IMPROVEMENTS (BID NO. 004-25)

WHEREAS, the Solar PV and Battery Storage Improvements project entails furnishing and installing solar photovoltaic panels, carport canopies, and a City-furnished battery energy storage system; and

WHEREAS, the City of El Cajon (the "City") advertised Bid No. 004-25 on February 29, 2024, and one (1) response was received and evaluated on April 10, 2024; and

WHEREAS, the sole bidder's response exceeded the City's budget for the scope of work, and City staff therefore concluded it would be in the City's best interest to reject the sole response and explore alternative procurement options; and

WHEREAS, the proposed recommendation to reject the sole response is exempt from the California Environmental Quality Act ("CEQA") as there is no project; and

WHEREAS, the City Council concurs with staff that it would be in the City's best interest to reject the sole response, and to explore alternative procurement options.

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 rejection of the sole response is exempt from the CEQA as there is no project.
- 3. The City Council hereby rejects the sole response received for Bid No. 004-25, and authorizes staff to explore alternative procurement options.

06/25/24 CC Agenda Reso – Bid 004-25 – Solar PV & Battery Storage – Reject Sole Response 061124



## City of El Cajon – Purchasing Division

#### **BID EVALUATION**

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

(***							
Bid No. 004-25		I	Bid Name: Solar PV	and Battery S	torage Improvements		
Solicitation Due Date/Time: April 10, 2024/ 2:00			Initial Date of Advertisement: February 29, 2024				
p.m.							
Number of Responses Received: 1		I	Bid Estimate: \$2,500,000				
•							
SUMMARY OF BIDS (INCLUDE ANY A	ADD. ALTS.):						
Vendor	Vendor Type	е	Bid Amount	Format	Submit Date		
Baker Electric & Renewables LLC	CADIR		\$3,558,329.87	Electronic	04/10/2024 1:33:02 PM		
BID EVALUATION (TOP THREE LOWEST RESPONSES):							
Bidder		Bio Re	d esponsiveness	Notes			
Baker Electric & Renewables, LLC		Ye	es				
<b>LEGAL REVIEW REQUIRED:</b> YES ☑ NO ☐ <b>IF YES, DATE LEGAL REVIEW COMPLETED:</b> May 17, 2024							
RENEWAL OPTIONS: YES □ NO ☑ IF YES, SPECIFY TERM W/RENEWAL OPTIONS:							
LOWEST, RESPONSIVE, RESPONSIBLE BIDDER NAME AND AMOUNT: BAKER ELECTRIC & RENEWABLES, LLC, \$3,558,329.87							
PURCHASING DIVISION:							
Review Completed By: Mara Romano			Date: May 20, 2024				



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Mara Romano, Purchasing Agent

**SUBJECT:** Award of Bid No. 013-25 – As-Needed Miscellaneous Fence/Guardrail

Repair & Installation

#### **RECOMMENDATION:**

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

- 1. Approve the Plans and Specifications for As-Needed Miscellaneous Fence/Guardrail Repair & Installation, Bid No. 013-25; and
- 2. Find the first low bidder non-responsive for the reason set forth in this agenda report, and award the bid to the lowest responsive, responsible bidder, Ferreira Construction Co., Inc. dba Ferreira Coastal Construction Co., in the not-to-exceed amount of \$315,000, with the option to renew for four additional one-year periods.

#### **BACKGROUND:**

The As-Needed Miscellaneous Fence/Guardrail Repair & Installation service involves furnishing materials, parts, and labor for fence/guardrail/crash cushion repair and installation. The bid includes an opportunity for the City to renew the contract for up to four optional one-year terms.

Additionally, as stated in the specifications, the estimated quantities are for comparison purposes only. The actual costs incurred by the City in the use of this contract will vary contingent upon the number of repairs and installations required. As a result, the total bid award amount is less than the bid responses received.

The bid was advertised on April 12, 2024, and the City received two responses on May 9, 2024; all responses were evaluated. The summary of bids is attached, and complete proposals are on file in the Purchasing Division.

Bidders are required to obtain and include with their bids a bid security payable to the awarding authority in accordance with Public Contract Code § 20170. The bid security is used as an assurance that the bidder will enter the proposed contract in accordance with its bid if the bid is accepted by the public entity. A bidder's security may include cash, a cashier's check, certified check, or a bid bond in an amount equal to at least 10 percent of the bid amount. The bid submitted by the first apparent low bidder, Quality Fence Co., Inc., did not include a bid security, making its bid non-responsive.

Staff recommends the City Council adopt resolutions to (1) Find the first low bidder non-responsive for the reason cited above, (2) Approve the plans and specifications for the service, and (3) Award the bid to the lowest responsive, responsible bidder, Ferreira Construction Co., Inc. dba Ferreira Coastal Construction Co., in the not-to-exceed amount of \$315,000.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed As-Needed Miscellaneous Fence/Guardrail Repair & Installation service is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15301(c) of the State CEQA Guidelines. This exemption applies to projects involving repair and maintenance of existing public or private structures, facilities, and mechanical equipment involving negligible or no expansion of use, including public streets and highways.

#### FISCAL IMPACT:

The fiscal impact for the initial one-year term is \$315,000. Sufficient funds are included in the proposed Fiscal Year 2024-25 Annual Budget Public Works TR MNT-Repairs & Maint (101521); PW PK OPS-Repairs & Maint (101530); FACILT-Repairs and Maint (101550); and WW MNT-Repairs & Maint (650720), contingent upon City Council approval. Subsequent four-year costs are estimated to total \$1,425,573.85, based on a projected increase of 5% annually.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Dave Richards, Director of Public Works - Operations

Approved By: Graham Mitchell, City Manager

Attachments

Resolution - Approve Plans & Specs Resolution - Award Bid Bid Summary - 013-25

#### RESOLUTION NO. -24

# RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR AS-NEEDED MISCELLANEOUS FENCE/GUARDRAIL REPAIR AND INSTALLATION (Bid No. 013-25)

WHEREAS, the Director of Engineering Services has submitted plans and specifications for Bid No. 013-25 As-Needed Miscellaneous Fence/Guardrail Repair and Installation (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 Engineering Services 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 Engineering Services of the City of El Cajon.

06/25/24 CC Agenda Reso – Bid No. 013-25 – As-Needed Misc Fence-Guardrail Repairs & Imprvmts - Approve Plans & Specs 061024

#### RESOLUTION NO. \_\_\_\_-24

#### RESOLUTION AWARDING BID FOR AS-NEEDED MISCELLANEOUS FENCE/GUARDRAIL REPAIR AND INSTALLATION (Bid No. 013-25)

WHEREAS, the As-Needed Miscellaneous Fence/Guardrail Repair & Installation project (the "Project") involves furnishing materials, parts, and labor for fence/guardrail/crash cushion repair and installation for a term of one (1) year, with the option to renew for up to four (4) additional one-year periods; and

WHEREAS, the City of El Cajon (the "City") advertised Bid No. 013-25 (the "Bid") on April 12, 2024, and two (2) responses were received and evaluated on May 9, 2024; and

WHEREAS, as stated in the specifications, the estimated quantities are for comparison purposes only, and the actual costs incurred by the City in the use of this contract will vary contingent upon the number of repairs and installations required; therefore, the total bid award amount is less than the bid responses received; and

WHEREAS, bidders are required to obtain and include with their bids a bid security payable to the awarding authority in accordance with Public Contract Code section 20170, which is used as an assurance that the bidder will enter the proposed contract in accordance with its bid if the bid is accepted by the public entity, and may include cash, a cashier's check, certified check, or a bid bond in an amount equal to at least ten percent (10%) percent of the bid amount; and

WHEREAS, the bid submitted by the first apparent low bidder, Quality Fence Co., Inc., did not include a bid security, making its bid non-responsive; and

WHEREAS, City staff recommends that the City Council finds the first low bidder non-responsive for the reason cited above, and awards the Project to the lowest responsive, responsible bidder, Ferreira Construction Co., Inc. dba Ferreira Coastal Construction Co., in the not-to-exceed amount of \$315,000.00 for a one-year term; and

WHEREAS, sufficient funds are included in the proposed Fiscal Year 2024-25 Annual Budget Public Works TR MNT-Repairs & Maint; PW PK OPS-Repairs & Maint; FACILT-Repairs and Maint; and WW MNT-Repairs & Maint, contingent upon City Council approval; and

WHEREAS, subsequent costs for four (4) optional one-year renewal periods, based on a projected increase of five percent (5%) annually, are estimated to total \$1,425,573.85; and

WHEREAS, the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15301(c) of the State CEQA Guidelines, which applies to projects involving repair and maintenance of existing public or private structures, facilities,

and mechanical equipment involving negligible or no expansion of use, including public streets and highways; and

WHEREAS, the City Council believes it to be in the best interests of the City to award the Bid to the lowest responsive, responsible bidder as recommended by the City staff.

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

- 1. The City Council hereby finds the foregoing recitals to be true and correct, and the findings of the City Council.
- 2. The City Council hereby finds that the Project is exempt from the CEQA pursuant to section 15301(c) of the State CEQA Guidelines, which applies to projects involving repair and maintenance of existing public or private structures, facilities, and mechanical equipment involving negligible or no expansion of use, including public streets and highways.
- 3. The City Council does hereby reject all other bids and proposals except that herein mentioned, and awards Bid No. 013-25 for As-Needed Miscellaneous Fence/Guardrail Repair & Installation to:

Ferreira Construction Co., Inc. dba Ferreira Coastal Construction Co.

in the total not-to-exceed amount of \$315,000.00 for an initial one-year term with four (4) additional one-year optional periods.

4. The Mayor and City Clerk are authorized and directed to execute a contract for said project on behalf of the City of El Cajon.

06/25/24 CC Agenda Res - Bid 013-25 – As-Needed Misc Fence-Guardrail Repair & Imprvmts – Awd (Ferreira) 061024



### City of El Cajon – Purchasing Division

#### **BID EVALUATION**

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

Bid No. 013-25	Bid Name: As-Needed Miscellaneous Fence/Guardrail Repair & Installation
Solicitation Due Date/Time: May 9, 2024/ 2:00 p.m.	Initial Date of Advertisement: April 12, 2024
Number of Responses Received: 2	Bid Estimate: \$265,000

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

Vendor	Vendor Type	Bid Amount	Format	Submit Date
Quality Fence Co Inc	CADIR	\$440,411.00	Electronic	05/09/2024 1:56:16 PM
Ferreira Construction Co, Inc		\$565,710.00	Electronic	05/09/2024 1:40:15 PM

**BID EVALUATION** (TOP THREE LOWEST RESPONSES):

Bidder	Bid Responsiveness	Notes
Quality Fence Co., Inc.	No	Failure to submit bid bond.
Ferreira Construction Co., Inc. dba Ferreira Coastal Construction Co.	Yes	



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Dave Richards, Interim Director of Public Works - Operations

**SUBJECT:** Continuation of Emergency for Sewer System Repairs

#### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, proclaiming the Continuation of Emergency for Sewer System Repairs.

#### **BACKGROUND:**

This report provides an update on the Emergency Sewer System Repairs of the sewer pipe running north up Graves Avenue from Beech Street to Lloyd Street, passing under Interstate 8. On May 29, 2024, the City Manager declared an emergency, recognizing the potential public health and environmental impacts, risks to existing utilities and infrastructure, private property, and potential impacts on freeway travel. On June 11, 2024, the City Council ratified the City Manager's declaration and established a Declaration of Emergency with Resolution No. 087-24. The following is an overview of actions taken and next steps:

Upon the Declaration of Emergency, City staff immediately contracted with A1 Total Service Plumbing (Contractor). The Contractor's assessment determined that the top portion of the pipe's liner had failed, causing the liner to fold inward and reduce the pipe's capacity by over 80%. The recommended repair method was to use a robotic cutter to remove the failed liner and replace it with a new one. As of June 14, 2024, approximately 310 feet of the total 400-foot section of pipe has been removed, and the cast iron portions of the pipe has been de-scaled. Upon completion of the remaining 90 feet of removal, necessary pipe repairs will be made and a new liner will be installed. City staff anticipates requesting a Notice of Completion and final project cost at the next City Council meeting on July 9, 2024.

Since the initial discovery of the blockage, Public Works crews have maintained a continuous presence on-site. Their round-the-clock efforts have focused on diverting wastewater above ground at two locations: Madison Avenue and Ballantyne Street. This diversion, which requires traffic control and constant monitoring of the pumps that move wastewater into different sewer pipes, demonstrates the City's proactive approach and showcases the innovative methods being employed to handle the situation.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Emergency repairs to publicly-owned service facilities necessary to maintain service essential to the public health, safety, or general welfare are exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15269(b) (Emergency Projects) of the State CEQA Guidelines.

#### FISCAL IMPACT:

Fiscal Year 2023-24 Wastewater - Maintenance Annual Budget (650720) will be used to fund the cost of repairs estimated at \$580,000.

Prepared By: Monica Martinez, Sr. Management Analyst

Reviewed By: Dave Richards, Director of Public Works - Operations

Approved By: Graham Mitchell, City Manager

**Attachments** 

Resolution

#### RESOLUTION NO. \_\_\_-24

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON PROCLAIMING THE CONTINUATION OF EMERGENCY FOR SEWER SYSTEM REPAIRS

WHEREAS, the El Cajon City Council ("City Council") is authorized under section 8630 of the California Government Code to proclaim the continuing existence of a local emergency when conditions exist within the jurisdiction of the City of El Cajon (the "City") which pose an extreme peril to public health, safety and life; and

WHEREAS, section 8.08.060 of the El Cajon Municipal Code empowers the City Council to proclaim a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, in response to a sewer monitoring alarm on Monday, May 27, 2024, City staff immediately contracted with A1 Total Service Plumbing (Contractor), who assessed the damage determined the sewer pipe running north up Graves Avenue from Beech Street to Lloyd Street, passing under Interstate 8, had failed, reducing the pipe's capacity by over 80% and requiring the use of a robotic cutter to remove the failed liner and replace it with a new one; and

WHEREAS, recognizing the potential health and environmental impacts, the City Manager declared an emergency on May 29, 2024; and

WHEREAS, as of June 14, 2024, approximately 310 feet of the total 400-foot section of pipe has been removed, the cast iron portions of the pipe have been de-scaled, and upon completion of the remaining 90 feet of removal, the new liner will be installed; and

WHEREAS, City staff anticipates requesting a Notice of Completion and final project cost at the next City Council Meeting on July 9, 2024; and

WHEREAS, since the initial discovery of the blockage, Public Works crews have maintained a continuous presence on-site and their round-the-clock efforts have focused on diverting wastewater above ground at two locations: Madison Avenue and Ballantyne Street; and

WHEREAS, while the repairs to sewer pipe blockage are nearing completion, further repairs remain ongoing, and it is necessary for the City Council to again ratify the City Manager's proclamation of emergency on May 29, 2024, as ratified by the City Council on June 11, 2024, by Resolution No. 087-27.

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

1. That the foregoing recitals are true and correct, and are the findings of the City Council.

- 2. That in adopting Resolution No. 087-27, the City Council approved an exemption from further environmental review under section 15269(b) (Emergency Projects) of California Environmental Quality Act ("CEQA") Guidelines, and authorized staff to file a notice of exemption for this emergency project.
- 3. That during the existence of said local emergency, the powers, functions, and duties of the Director of Emergency Services and the Disaster Council of this City shall be those prescribed by state law, ordinances, and resolutions of this City and by the City of El Cajon Emergency Plan.
- 4. That the City Manager, or such person designated by the City Manager, is authorized and directed to apply for, and execute such documents required to establish necessary and continuing repairs of the City's sewer system.
- 5. That the local emergency shall be deemed to continue to exist until termination is proclaimed by the City Council of the City of El Cajon.

06/25/24 CC Agenda Reso - Proclaiming Emergency Continuation #1 for Storm Damage Repairs 061424



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Dave Richards, Director of Public Works - Operations

SUBJECT: CalRecycle SB 1383 Grant - Edible Food Recovery and Recycling

#### RECOMMENDATION:

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

- 1. Authorize the City Manager or designee to accept, appropriate, and expend funds, in the amount of \$278,977, received from the FY2022-23 CalRecycle SB 1383 Grant (SB-1383-23); and
- 2. Authorize the City Manager or designee to execute any documents and agreements necessary to receive and use these funds.

#### **BACKGROUND:**

Senate Bill (SB) 1383 requires jurisdictions to educate residents, businesses (including businesses that generate edible food that can be donated), haulers, solid waste facilities, and local food banks and other food recovery organizations about organic recycling. The Budget Act of 2022 authorizes CalRecycle to award grants to local jurisdictions to assist in implementing programs to meet these statutory requirements.

On November 15, 2023, the City applied for an SB 1383 Local Assistance Grant for FY2022-23. On February 26, 2024, the City received an award notification of \$278,977 and received the funds on May 31, 2024. On June 4, 2024, the granting agency approved the proposed grant budget.

The grant application identified the following activities to utilize the grant funds:

- 1. Edible Food Recovery,
- 2. Organic Recycling Bins,
- 3. Consultant Personnel, and
- 4. Procurement.

In order to receive and use the grant funds, staff recommends that the City Council adopt a Resolution that accepts, appropriates, and authorizes the City Manager or designee to execute necessary documents and to expend the grant funds according to the CalRecycle grant and City guidelines.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines section 15378(b)(5), because it is not defined as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment.

#### FISCAL IMPACT:

The CalRecycle SB 1383 FY2022-23 Grant (SB-1383-23) provides \$278,977 for various functions related to the City's regulations. These functions will not impact the General Fund, and no matching funds are required for this grant.

Prepared By: Monica Martinez, Sr. Management Analyst

Reviewed By: Dave Richards, Director of Public Works - Operations

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

#### RESOLUTION NO. -24

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON AUTHORIZING CITY TO ACCEPT, APPROPRIATE, AND EXPEND THE CALRECYCLE SB 1383 GRANT FOR FY 2022-2023

WHEREAS, the State of California Department of Resources Recycling and Recovery ("CalRecycle") distributes funds for specific grants and payment programs to, among other things, assist local agencies with recycling and litter reduction efforts; and

WHEREAS, on November 15, 2023, the City applied for an SB 1383 grant for FY2022-23 and on February 26, 2024, the City received an award notification of \$278,977 and received the proceeds ("Grant Funds") on May 31, 2024; and

WHEREAS, City staff recommends that the Fiscal Year 2022-2023 SB 1383 grant funding should be used for: Edible Food Recovery; Organic Recycling Bins; Consultant Personnel; and Procurement; and

WHEREAS, authorization to accept, appropriate, and expend CalRecycle grants is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 15378(b)(2), because it is not defined as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, City Council finds that it is in the City's best interest to authorize the City Manager, or such person designated by the City Manager, to accept, appropriate, and expend the SB 1383 Grant Funds, and to authorize the City Manager to execute such agreements and other documents necessary to receive the Grant Funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cajon as follows:

- 1. The City Council finds that authorization to accept, appropriate, and expend the CalRecycle SB 1383 grant is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 15378(b)(2), because it is not defined as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment.
- 2. The City Manager, or such person designated by the City Manager, is authorized to accept and appropriate the SB 1383 Grant (CALSB 1383) funds in the amount of \$278,977 for various functions related to the City's collection and handling of organic waste from residential and commercial solid waste customers through edible food recovery or recycling.
- 3. The City Council hereby further authorizes the City Manager, or such person designated by the City Manager, to execute any agreement, amendments to agreements, and such other documents necessary to accept the funds, in such form approved by the City Manager, as approved by the City Attorney.

- The City Council hereby commits to using the funds for various functions 4. related to the City's regulations.
  - The authorizations set forth herein are effective for fiscal year 2022-2023. 5.

06/11/24 CC Agenda Reso - CalRecycle SB 1383 Grant Program 042424



# City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

FROM: Mara Romano, Purchasing Agent

**SUBJECT:** Award of RFP No. 009-25 – Washington Avenue Safety Improvements

**Project Professional Services** 

#### RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to enter into an agreement with Dokken Engineering (DE), in an amount not to exceed \$364,945 for a one-year term.

#### **BACKGROUND:**

The Washington Avenue Safety Improvements Project Professional Services is partially funded by California Department of Transportation Highway Safety Improvement (HSIP) grant funds. The project encompasses design services for the installation of raised concrete medians, high visibility crosswalks, and a pedestrian hybrid beacon on Washington Avenue between Avocado Avenue and Mollison Avenue.

On September 12, 2023, the City Council approved SOQ No. 007-24 – On-Call Professional Services. The Statement of Qualifications (SOQ) resulted in a pre-qualified list of firms for on-call professional services covering multiple disciplines such as: civil engineering, landscape architectural, construction management/inspection/labor compliance, land surveying, storm water quality, architectural, municipal planning, and housing and real estate services. The list included approximately four consultants for each discipline to provide services on an "as-needed" basis when projects or services cannot be completed by City staff and proposals. Contracts greater than \$75,000 require City Council approval.

Selection of pre-qualified firms is on a rotating basis for individual tasks within each discipline. However, at this dollar amount, proposals were requested from all pre-qualified General Civil Engineering firms. Two proposals were received before 5:00 p.m. on May 20, 2024, and were independently reviewed by a three-person evaluation committee. The committee based its assessment on the evaluation criteria specified in the RFP, project organization and key personnel and project experience and references. Additionally, the top ranked firm's cost proposal was reviewed by the committee in accordance with HSIP grant guidelines (each cost proposal must remain sealed until negotiations commence with the most qualified consultant).

After thorough evaluation of the responses, the City determined the proposal received from DE best met the City's requirements to deliver engineering services for the Washington Avenue Safety Improvements Project. The attached memorandum details the evaluation process.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed agreement for design services for the installation of raised concrete medians, high visibility crosswalks, and a pedestrian hybrid beacon on Washington Avenue between Avocado Avenue and Mollison Avenue is exempt from the provisions of the California Environmental Quality Act ("CEQA"). In accordance with State CEQA Guidelines section 15301(c), pedestrian safety improvements are not subject to CEQA.

#### FISCAL IMPACT:

The fiscal impact of the award is \$364,945. Funds are available in Washington Avenue Safety Improvements (233795PWCP) project budget.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Memorandum - 009-25

#### RESOLUTION NO. \_\_\_\_-24

#### RESOLUTION AWARDING PROPOSAL FOR WASHINGTON AVENUE SAFETY IMPROVEMENTS PROJECT FOR PROFESSIONAL SERVICES TO DOKKEN ENGINEERING (RFP No. 009-25)

WHEREAS, the City of El Cajon (the "City") has established its Washington Avenue Safety Improvements Project (the "Project"), which is partially funded by California Department of Transportation Highway Safety Improvement ("HSIP") grant funds; and

WHERE, the Project encompasses professional services covering multiple disciplines such as: civil engineering; landscape architectural; construction management, inspection, and labor compliance; land surveying; storm water quality; architectural; municipal planning; and housing and real estate services; and

WHEREAS, in response to the Request for Proposals for the Professional Services for the Project (the "RFP") issued to general civil engineering firms currently identified in a pre-qualified list of firms (SOQ 007-24), two (2) proposals were received prior to the 5:00 p.m. deadline on May 20, 2024; and

WHEREAS, the two proposals were independently reviewed by a three-person evaluation committee, which based its assessment on the evaluation criteria specified in the RFP, including project organization and key personnel; project experience; references; and cost; and

WHEREAS, the top ranked firm's cost proposal was reviewed by the committee in accordance with HSIP grant guidelines, and after thorough evaluation of the responses, the City determined the proposal received from Dokken Engineering ("DE") best met the City's requirements to deliver the professional engineering services for the Project; and

WHEREAS, the cost for the professional services of DE is \$364,945 and funds are available in Fiscal Year 2023-24 Annual Budget: Washington Avenue Safety Improvements (233795PWCP-GRANT); and

WHEREAS, this proposed agreement for design services for the installation of raised concrete medians, high visibility crosswalks, and a pedestrian hybrid beacon on Washington Avenue between Avocado Avenue and Mollison Avenue is exempt from the provisions of the California Environmental Quality Act ("CEQA") in accordance with State CEQA Guidelines section 15301(c), related to pedestrian safety improvements; and

WHEREAS, the City Council believes it to be in the best interest of the City to award the RFP to DE, for a period of one year, as recommended by staff.

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

- 1. The foregoing recitals are true and correct and are the findings of the City Council
- 2. The City Council hereby determines that these actions are exempt from the California Environmental Quality Act pursuant to state CEQA Guidelines section 15301(c), related to pedestrian safety improvements.
- 3. The City Council hereby awards RFP No. 009-25 to Dokken Engineering in an amount not to exceed \$364,945, for a period of one year.
- 4. The City Council hereby authorizes funding the Project in accordance with Washington Avenue Safety Improvements (233795PWCP-GRANT).
- 5. The City Manager, or designee, and City Clerk are authorized and directed to execute an agreement with Dokken Engineering, for the Project, on behalf of the City (the "Agreement"), with such changes or amendments as maybe approved by the City Manager, or designee, and to take all actions and to execute all documents and/or attachments to the Agreement, and other documents necessary or appropriate to carry out the terms of the Agreement.

06/25/24 CC Agenda

Reso – RFP 009-25 – Washington Avenue Safety Improvements Project - Award (Dokken Eng) 061124

#### CITY OF EL CAJON



DATE:

June 10, 2024

TO:

Mara Romano, Purchasing Agent

FROM:

Yazmin Arellano, Director of Engineering Services

SUBJECT:

**RECOMMENDATION TO AWARD** 

RFP No. 009-25 - Washington Avenue Safety Improvements

On May 20, 2024, two proposals were received for the above referenced Request for Proposal (RFP). The selection committee, comprised of staff from Engineering Services, independently scored each proposal on the evaluation form included in RFP No. 009-25. The proposal evaluation form is based on a weighted scale with criteria including: 1) Project Organization and Key Personnel, 2) Project Experience and References, and 3) Cost. Only Dokken Engineering was evaluated on 3) Cost as it was the only cost proposal released per HSIP Grant rules.

The weighted scores for RFP No. 009-25 after initial evaluations resulted in the following ranking:

Consultant Firm	Total Weighted Average Score
Dokken Engineering	85.33
Rick Engineering	64.00
Ardurra Group, Inc.	Did not submit a proposal.
Chen Ryan & Associates, Inc.	Did not submit a proposal.

#### Recommendation:

The selection committee recommends that the Professional Services contract be awarded to Dokken Engineering, San Diego, California, in the amount of \$364,945. As a note, Ardurra Group, Inc. did not submit a proposal because "other consultants are more familiar with the project" per Ardurra Group, Inc. via email. Chen Ryan & Associates, Inc. did not communicate the reason.

The Washington Avenue Safety Improvements project is funded by the Highway Safety Improvements Program (HSIP). This project will install high visibility pedestrian crossings at existing traffic signal controlled intersections, pedestrian hybrid crossing beacons, and raised concrete medians on Washington Avenue from Avocado Avenue to Mollison Avenue.

Submitted by:

Yazmin Arellano, Director of Engineering Services



# City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Mara Romano, Purchasing Agent

**SUBJECT:** Disposal of Retired Property

#### RECOMMENDATION:

That the City Council declares the listed property retired and authorizes disposal in accordance with policy.

#### **BACKGROUND:**

In accordance with El Cajon Municipal Code section 3.16.090, departments shall submit to the purchasing agent reports showing supplies and equipment that are no longer used or have become obsolete or worn out.

The attached items are recommended for disposal as City-retired equipment as they have become unsuitable for City use. Auctionable items will be offered by Fischer Auction Company at their regularly scheduled online auction (<a href="http://www.facauctions.com">http://www.facauctions.com</a>).

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This action is not considered a "Project" pursuant to the California Environmental Quality Act ("CEQA"). In accordance with State CEQA Guidelines section 15378(b)(5), it is an administrative activity of government.

#### FISCAL IMPACT:

There is a one-time revenue resulting from the sale of items. Funds will be deposited back to the original funding source used to purchase the equipment.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

**Attachments** 

Retired Property List

## Retired Property List City Council Meeting: June 25, 2024

**Equipment for Auction** 

Quantity	Description	Asset No.	Serial/VIN No.
1	2012 Toro Groundmaster 4100-D	7015	311000183
1	SJE-RHOMBUS CP11-422 Barrett Irrigation Water Pumps	7753	633879X15092
1	Driveway Vegetation Pavers (Pallet)		
1	Playground Frame to Secure Sand/Wood Chips		
1	2000 Von Arx AG Machine 644 00 02 001	3349	
1	2004 Von Arx AG Machine 644 04 09 025	5946	
1	2012 SN590 Case Backhoe - 2 Spare Buckets and 1 Sheep Foot Compactor	6980	
1	18" APX600 Asphalt Grinder Attachment for SkidSteer		FX2176
1	Craftco Crack Sealing Material - 3 Pallets (80 Boxes/Pallet) of Code 3, 34146 Material. Box Size is 12 5/16'x9 1/16" x 8 5/16"		
1	2000 Ford F150 Utility Body with Liftgate	3404	1FTPF17L3YKB22726
1	2000 Ford F150 Utility Body	3405	1FTPF17L5YKB22727
1	2001 Toro Workman Utility Cart	3561	N/A
1	2001 Ford F350 2/3 Yard Dump	3847	1FDWF36F11EA63727
1	2001 Ford F350 2/3 Yard Dump	3848	1FDWF36F61EA63724
1	2001 Ford F150 Utility Body	4135	1FTPF17L71NB49822
1	2001 Ford F150	4136	1FTPF17L91NV49823
1	2002 PBM HAV 150G-22 Turf Sprayer	4901	HAV150G220102106
1	2004 Ford Crown Victoria	5774	2FAFP71W74X115466
1	2006 Ford Crown Victoria	6114	2FAFP71W96X131705
1	2006 Ford Crown Victoria	6120	2FAFP71W46X131711
1	2006 Target Concrete Saw	6207	4420
1	2007 Ford Crown Victoria	6251	2FAFP71W27X139484
1	2008 Ford Crown Victoria	6409	2FAFP71V48X150494
1	2009 International 7400 Vac-Con	6564	1HTWDAZR69J134589
1	2010 Chevy Traverse	6727	1GNLREED7AJ235428
1	2010 Chevy Traverse	6728	1GNLREED7AJ235428
1	2011 Chevy Tahoe K9	6825	1GNLC2E09BR227069
1	2015 Ford Explorer Utility	7666	1FM5K8AR2FGB68293
1	2015 BMW R1200 RT	7679	WB10A1300FZ192617
1	2017 Ford Explorer	8124	1FM5K8AR0HGD59617
1	1989 Circle J Western Cargo Trailer	89001	46YCP23K1034973
1	2021 Arrowboard Trailer		1M9BA0910MC570406
1	Ford F250 Heritage	70193	1FTRF27L7XKA87525
1	Coregtec UniversalAsphalt Grinder Attachment		
1	MultiQuip QP-3TH Portable Trash Pump	6863	3TH-17824
1	MultiQuip QP-3TH Portable Trash Pump	6990	3TH-19420

1	Briggs & Stration 195432 Portable Trash Pump	65001	8112810
1	Hand Sanitizer N2635 1 Gallon Bottles (4 Pallets) Approx. 150/Pallet		
12	Black Leather Chairs		
1	Sharp - 20" TV	4845	
1	Toshiba E-Studio 16 Copier	4300	
1	Cable Hoist	2690	
1	Refrigerator	1783	
5	Haws Drinking Fountain	1703	
13	Lay Z Boy Leather Couch		
13	Wolf 10 Burner Gas Stove & Oven		
1	Wolf Gas Griddle Top		
1	XTS 2500 Radio	5847	205CEG1002
	X13 2300 Radio	5848	205CEG1002 205CEG1003
1		5849	
1			205CEG1004
1		5860	205CEG1005 205CEG1008
1		5846	
1		6982	205CFH0984
1		6983	205CFH0985
1		6984	205CFH0986
1		5986	205CFH0987
1		6987	205CFH0989
1		5988	205CFH0990
1		5989	205CFH0991
1		6223	205CHF2480
1		6325	205CHF2481
1		6324	205CHF2482
1		6322	205CHF2483
1		6702	205CLD3539
1		6701	205CLD3540
1		7308	205CPH0381
1		7310	205CPH0383
1		7311	205CPH0384
1		7313	205CPH0386
1		7314	205CPH0387
1		7315	205CPH0388
1	XTS 2600 Radio	5844	205CEG1006
1		5845	205CEG1007
1		7312	205CPH0385
1		7309	206CPH0382
1	Impres 6 WPLN4121BR Port Adaptive Charging Station		
1	Impres WPLN4114AR Single Port Adaptive Charging Station		
1	PMLN7182A Hard Leather Case w/2.76" Swivel D-Stud Belt Loop		



# City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Jose Dorado, Housing Manager

**SUBJECT:** Minor Budget Adjustments and Amendments

#### RECOMMENDATION:

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

- 1. Modify the appropriations as detailed in the report;
- 2. Allocate, appropriate, and expend additional CDBG funds for the NSL Project in Fiscal Year 2023-2024 (233784PWCP) in the amount of \$3,724.92; and
- 3. Allocate, appropriate and expend \$5,917 in CDBG Program Income for administrative costs (C1116) in Fiscal Year 2023-2024.

#### **BACKGROUND:**

As the City nears its fiscal year-end and fund balances are reconciled, various budget appropriations are needed to ensure that Community Development Block Grant projects and programs are adequately funded. The fiscal administrative steps necessary to amend the Fiscal Year 2023-2024 appropriations are detailed in the following table below:

#### CDBG-Capital Improvement Project Adjustments

CDBG funded projects that are closed or near completion and have a fund balance can be re-allocated to current projects as detailed below:

Fiscal Year 2023-2024 Description	Dept/Fund/Project	Type of Adjustment	Amount \$	Justification
Wells Park Improvement Project	Com Dev/CDBG/C1108	Decrease	(\$3,724.92)	CDBG balance due to a completed CIP Project
Neighborhood Street Lights 2023	Comm Dev/CDBG/C1110	Increase	\$3,724.92	Appropriate balance from a closed CIP Project
Neighborhood Street Lights 2023	Public Works/CDBG/233784PWCP	Increase	\$3,734.92	Carry over balance from prior year NSL Project

CDBG Planning and Administration Project Adjustments

CDBG funding allows (up to 20%) for program income, due to loan repayments, to be used to pay for planning and administration costs during the current fiscal year (2023-2024). The following details proposed appropriation increases for this purpose:

Fiscal Year 2023-2024 Description		Type of Adjustment	Amount \$
CDBG Planning and Administration-Program Income	Com Dev/CDBG/C1116	Increase	\$5,917
CDBG Unallocated Fund Balance/Program Income Account	ComDev/CDBG/CUNAL	Decrease	(\$5,917)

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed fiscal activity is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines sections 15060(c)(3) and 15375, because it is not defined as a project and does not have the potential for causing a significant effect on the environment. Furthermore, fiscal activity is exempt from the provisions of the National Environmental Policy Act (NEPA) pursuant to 24 CFR Part 58, section 58.34(a)(3) because it is an administrative action and does not involve activities that will alter existing environmental conditions.

#### FISCAL IMPACT:

Approval of this action will increase total Fiscal Year 2023-2024 CDBG project appropriations by \$5,917. This also reallocates \$3,724.92 from Wells Park Improvement Project (C1108) to the NSL Project (233784PWCP/C1110).

Prepared By: Jose Dorado, Housing Manager Deyanira Pelayo-Brito, Management Analyst

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

#### RESOLUTION NO. -24

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON TO ESTABLISH THE NEIGHBORHOOD STREETLIGHTS PROJECT IN FY 2024-2025 AND TO TAKE SUCH FURTHER ACTION IN **CONNECTION THEREWITH**

WHEREAS, the City of El Cajon (the "City") receives Community Development Block Grant ("CDBG") entitlement grant funds from the U.S. Department of Housing and Urban Development ("HUD") annually, with year-end reconciliations to ensure that CDBG projects and programs are adequately funded; and

WHEREAS, included in this reconciliation is establishing a capital improvement project number for the Neighborhood Street Lights 2024-2025 project, together with such actions necessary for allocating, appropriating and expending funds for said project; and

WHEREAS, as a federal entitlement, the City receives funds from the U.S. Department of Housing and Urban Development, and is required to report and monitor spending and follow its Citizen Participation Plan; and

WHEREAS, CDBG funded projects that are closed or near completion and have a fund balance can be re-allocated to current projects, however, the City's internal fiscal procedures requires City Council approval to allocate, appropriate, and expend said CDBG funds as described herein; and

WHEREAS, it is determined that the proposed fiscal activity is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines sections 15060(c)(3) and 15375, because it is not defined as a project and does not have the potential for causing a significant effect on the environment. Furthermore, fiscal activity is exempt from the provisions of the National Environmental Policy Act (NEPA) pursuant to 24 CFR Part 58, Section 58.34(a)(3) because it is an administrative action and does not involve activities that will alter existing environmental conditions; and

WHEREAS, after holding a duly advertised and public hearing on June 25, 2024, at which time the City considered public comments, the City Council has determined that it is in the best interests of the City to re-allocate grant funds to current projects.

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

- There is hereby established the Neighborhood Streetlights Project ("NSL") capital improvement project in Fiscal Year 2024-25 (253844PWCP).
- 2. CDBG funded projects, which have a fund balance, and planning and administration projects, are hereby re-allocated to current projects as detailed below:

Fiscal Year 2023-2024 Description	Dept/Fund/Project	Type of Adjustment	Amount \$	Justification
Wells Park Improvement Project	Com Dev/CDBG/C1108	Decrease	(\$3,724.92)	CDBG Balance due to completed CIP Project
Neighborhood Street Lights 2023	Comm Dev/CDBG/C1110	Increase	\$3,724.92	Carry over balance from prior year NSL Project
Neighborhood Street Lights 2023	Public Works/CDBG/233784PWCP	Increase	\$3,724.92	Carry over balance from prior year NSL Project

#### CDBG Planning and Administration Project Adjustments

Fiscal Year 2023-2024 Description		Type of Adjustment	Amount \$
CDBG Planning and Administration-Program Income	Com Dev/CDBG/C1116	Increase	\$5,917
CDBG Unallocated Fund Balance/Program Income Account	ComDev/CDBG/CUNAL	Decrease	(\$5,917)

- The proposed fiscal activity is exempt from the provisions of the California 3. Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines sections 15060(c)(3) and 15375, because it is not defined as a project and does not have the potential for causing a significant effect on the environment. Furthermore, fiscal activity is exempt from the provisions of the National Environmental Policy Act (NEPA) pursuant to 24 CFR Part 58, Section 58.34(a)(3) because it is an administrative action and does not involve activities that will alter existing environmental conditions.
- The City Council hereby authorizes the City Manager or designee to process any necessary or needed corrections or adjustments to allocations as outlined above, or as required by HUD; to execute all affiliated documents adopts the to establish the NSL Project in Fiscal Year 2024-25 (253844PWCP); and to allocate, appropriate and expend \$5,917 in CDBG Program Income for administrative costs (C1116) in Fiscal Year 2023-2024 consistent with the funding allocations as presented above.

06/25/24 CC Agenda Reso - Minor Amend (Allocate, Appropriate, Expend CDBG funds 0617'24



# City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Angela Cortez, City Clerk

**SUBJECT:** Board of Supervisors Appointment to Gillespie Field Development Council

#### RECOMMENDATION:

That the City Council ratifies the Board of Supervisors appointment of Barry Bardack to the Gillespie Field Development Council for a term to expire December 31, 2028.

#### **BACKGROUND:**

In accordance with the Joint Powers Agreement between the County of San Diego and the City of El Cajon, appointment of each member of the Gillespie Field Development Council shall be made by mutual agreement of both entities, and ratified by actions of both the Board of Supervisors and the City Council.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines section 15378(b)(5), because it is an organizational activity of government that will not result in direct or indirect physical changes in the environment.

#### FISCAL IMPACT:

None

Prepared By: Angela Cortez, City Clerk

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

**Attachments** 

Bardack

#### COUNTY OF SAN DIEGO BOARD OF SUPERVISORS TUESDAY, JUNE 04, 2024

#### MINUTE ORDER NO. 10

SUBJECT: APPOINTMENTS: VARIOUS (DISTRICTS: ALL)

#### **OVERVIEW**

These appointments are in accordance with applicable Board Policy A-74, "Citizen Participation in County Boards, Commissions and Committees".

# RECOMMENDATION(S) SUPERVISOR JOEL ANDERSON

Waive Board Policy A-74, "Citizen Participation in County Boards, Commissions, and Committees," and re-appoint Barry Bardack to the GILLESPIE FIELD DEVELOPMENT COUNCIL, Seat No. 1 to complete the current term, and immediately start a new term to expire December 31, 2028.

#### SUPERVISOR MONICA MONTGOMERY STEPPE

Appoint Jerisha Rutlin to the COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD, to Seat No.14 from Seat No.15 for a term to expire April 30, 2027.

Appoint Judith Yates to the COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD, to Seat No. 15 for a term to expire April 30, 2027.

Appoint Amanda Berry to the COUNTY OF SAN DIEGO BEHAVIORAL HEALTH ADVISORY BOARD, to Seat No.16 from Seat No. 14 for a term to expire June 4, 2027.

#### **EQUITY IMPACT STATEMENT**

County government includes standing and special citizen boards, commissions, committees, and task forces formed to advise the Board of Supervisors and County staff on issues and policy and to serve as links to the community. Boards, commissions, and committees provide an inter- relationship between the residents and the government of the County. The nominations in this Board Letter enable the County of San Diego to provide individual residents the opportunity to impart valuable insight and input into the operation of the government.

#### SUSTAINABILITY IMPACT STATEMENT

The County of San Diego has over one hundred boards, commissions, committees, and task forces that serve as voice in the County government. Advisory bodies are an essential role in resident engagement that allow citizens to participate on issues relating to the welfare and quality of life in the County. They are fundamental to the County of San Diego's ability to navigate complex and dynamic policy challenges, are a conduit to the County Bureaucracy, and a broker to community voice. This board letter supports the County of San Diego Sustainability Goal No.1 by "encourage[ing] people and diverse stakeholders to partner and participate in decisions that impact their lives and communities."

#### FISCAL IMPACT

N/A

JUNE 04, 2024

#### **BUSINESS IMPACT STATEMENT**

N/A

#### **ACTION:**

ON MOTION of Supervisor Vargas, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

State of California) County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors

Signed

by Andrew Potter



# City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Morgan Foley, City Attorney

**SUBJECT:** Conflict of Interest Code - Biennial Review

#### RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving changes to the designated employee and official positions required to be filed under the City's Conflict of Interest Code.

#### **BACKGROUND:**

The Political Reform Act requires that the City review its conflict of interest code every two (2) years to determine if it is accurate or, in the alternative, if it needs to be amended. Once the determination has been made, the City must then submit notice of any changes to the Fair Political Practices Commission (the "FPPC").

Because the City Council has previously incorporated by reference the Model Conflict of Interest Code, promulgated by the FPPC, any amendments by the Commission automatically apply to our Conflict of Interest Code. We have determined, however, that the list of Designated Employees and Officials, last updated on April 23, 2024 by City Council Resolution No. 038-24 (the "2024 Amendment"), must be amended to reflect changes in positions due to re-classifications, revised and deleted titles of positions, and new classifications added since the 2022 Biennial Review and the 2024 Amendment.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed amended list of Designated Employees and Officials considered by the City Council is an administrative general policy and is therefore exempt from the California Environmental Quality Act ("CEQA") under section 15378(b)(2) of the State CEQA Guidelines.

**Attachments** 

Resolution
Redlined Changes

#### RESOLUTION NO. \_\_\_\_-24

RESOLUTION UPDATING AND DESIGNATING THOSE CERTAIN EMPLOYEE AND OFFICIAL POSITIONS WITHIN THE CITY OF EL CAJON WHICH ARE SUBJECT TO DISCLOSURE OF CERTAIN ECONOMIC INTERESTS, AND ALSO UPDATING AND ESTABLISHING CATEGORIES OF DISCLOSABLE ECONOMIC INTERESTS AS PART OF THE CITY OF EL CAJON CONFLICT OF INTEREST CODE

WHEREAS, Chapter 2.75 of the El Cajon Municipal Code establishes the City of El Cajon conflict of interest code ("Conflict of Interest Code"); and

WHEREAS, the Conflict of Interest Code provides that the City Council shall, from time to time, adopt appropriate resolutions to establish and update the list of designated employee and other official positions within the City which are subject to disclosure of certain economic interests as provided in the City's Conflict of Interest Code (the "Designated Employees and Officials"); and

WHEREAS, by Resolution No. 176-00, the City Council initially established a list of Designated Employees and Officials, which are subject to the provisions of the City's Conflict of Interest Code, as well as a list of the categories of economic interests which are required to be disclosed by Designated Employees and Officials, as provided by the City's Conflict of Interest Code (the "Disclosure Categories"); and

WHEREAS, the Conflict of Interest Code must include both "Designated Employees and Officials" and "Disclosure Categories"; and

WHEREAS, the proposed amended list of Designated Employees and Officials considered by the City Council is an administrative general policy and is therefore exempt from California Environmental Quality Act (CEQA) under section 15378(b)(2) of the State CEQA Guidelines.

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

- 1. That City Council hereby establishes a list of Designated Employees and Officials, as set forth in Attachment A, attached hereto and incorporated herein by this reference, which are subject to the provisions of the City's Conflict of Interest Code.
- 2. That City Council hereby establishes a list of Disclosure Categories, as set forth in Attachment B, attached hereto and incorporated herein by this reference, as required by provisions of the City's Conflict of Interest Code.
- 3. That the amended list of Designated Employees and Officials is exempt from CEQA under section 15378(b)(2) of the State CEQA Guidelines.

06/25/24 CC Agenda

Reso - Conflict of Interest Code (Disclosure Categories-Biennial Review) 061424

#### **ATTACHMENT A**

# Position Disclosure Categories

City Staff under City Manager:	
Accountant	1, 4, 5, 7
Accounting Technician	1, 4, 5, 7
Administrative Analyst for Human Resources/City Manager's Office	1, 3, 5, 7
Animal Control Manager	1, 3, 5, 7
Assistant City Manager	1, 3, 5, 7
Assistant to the City Manager	1, 3, 5, 7
Assistant Engineer	1, 3, 5, 7
Assistant Planner	1, 3, 5, 7
Associate Engineer	2, 4, 6, 8
Associate Planner	1, 3, 5, 7
Building and Fire Safety Inspector	1, 4, 5, 7
Building Official	1, 3, 5, 7
Buyer	1, 4, 5, 7
City Clerk	1, 4, 5, 7
City Engineer/Deputy Director of Public Works	1, 3, 5, 7
City Engineer/Deputy Director of Engineering Services	1, 3, 5, 7
City Traffic Engineer	2, 4, 6, 8
Code Compliance Officer	2, 4, 6, 8
Communications Center Manager	2, 4, 6, 8
Crime Lab Manager	1, 3, 5, 7
Deputy City Clerk	1, 4, 5, 7
Deputy Director of Community Development	1, 3, 5, 7
Deputy Director of Parks and Recreation	1, 4, 6
Deputy Director of Public Works	1, 4, 5, 7
Deputy Director of Public Works Operations	1, 4, 5, 7
Deputy Director – Special Projects	1, 4, 5, 7
Deputy Fire Chief	2, 4, 6, 8
Deputy Fire Marshal	1, 4, 5, 7
Director of Community Development	1, 3, 5, 7
Director of Engineering Services	1, 3, 5, 7
Director of Finance	1, 3, 5, 7
Director of Finance/City Treasurer	1, 3, 5, 7
Director of Human Resources	1, 3, 5, 7
Director of Information Technologies	1, 3, 5, 7
Director of Parks & Recreation	1, 4, 6
Director of Public Works	1, 3, 5, 7
Director of Public Works Operations	1, 3, 5, 7
Engineering Technician	1, 3, 5, 7
Facilities Manager	2, 4, 6, 8
Financial Operations Manager	1, 4, 5, 7
Fire Battalion Chief	2, 4, 6, 8
Fire Chief	1, 3, 5, 7
Fire Division Chief	2, 4, 6, 8
Fire Inspector I	1, 4, 5, 7
Fire Inspector II	1, 4, 5, 7
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Fire Marshal	1, 3, 5, 7
Fleet Manager	2, 4, 6
GIS Analyst	1, 3, 5, 7
· · · · · · · · · · · · · · · · · · ·	
Housing Manager	1, 3, 5, 7
Housing Specialist	1, 3, 5, 7
Human Resources Analyst	2, 4, 6, 8
Human Resources Manager	1, 3, 5, 7
Information Technologies Analyst	1, 3, 5, 7
Information Technologies Specialist	1, 3, 5, 7
Information Technologies Manager	1, 4, 5, 7
Junior Engineer	1, 3, 5, 7
Licensed Land Surveyor	1, 3, 5, 7
Maintenance Supervisor	2, 4, 6, 8
Management Analyst	1, 3, 5, 7
Management Assistant	1, 3. 5, 7
Marketing and Engagement Manager	1, 3, 5, 7
Network Administrator	1, 4, 5, 7
Operations Manager	2, 4, 6, 8
Parks & Recreation Manager	2, 4, 6, 8
<del>-</del>	1, 3, 5, 7
Planning Manager Plans Examiner	1, 3, 5, 7
Police Captain	2, 4, 6, 8
Police Chief	1, 3, 5, 7
Police Lieutenant	2, 4, 6, 8
Police Records Manager	2, 4, 6, 8
Principal Civil Engineer	1, 3, 5, 7
Principal Fiscal Analyst	1, 3, 5, 7
Principal Human Resources Analyst	1, 3, 5, 7
Public Information Officer	1, 4, 5, 7
Public Works Inspector	2, 4, 6, 8
Public Works Superintendent	2, 4, 6, 8
Purchasing Agent	1, 3, 5, 7
Senior Accountant	1, 4, 5, 7
Senior Accounting Technician	1, 4, 5, 7
Senior Building and Fire Safety Inspector	1, 4, 5, 7
Senior Buyer	1, 4, 5, 7
Senior Engineering Technician	1, 3, 5, 7
Senior Human Resources Analyst	1, 3, 5, 7
Senior Management Analyst	1, 3, 5, 7
Senior Planner	1, 3, 5, 7
Senior Risk Management Analyst	1, 3, 5, 7
Supervising Building and Fire Safety Inspector	1, 3, 5, 7
Supervising Engineering Technician	1, 3, 5, 7
Supervising Engineering Technician	1, 3, 3, 7
City Attorney Staff:	
Assistant City Attorney	1, 3, 5, 7
Deputy City Attorney	1, 3, 5, 7
Retained Attorney	1, 3, 5, 7
Staff Attorney	1, 3, 5, 7
Otan Attorney	1, 3, 3, 7

## **Boards/Commissions/Committees/Consultants**

Personnel Commission Members	2, 3, 5, 7
Public Safety Facility Financing Oversight Committee	2, 4, 6, 8
Relocation Appeals Board Members	2, 3, 6, 8
Successor Agency Oversight Board	1, 3, 5, 7
Veterans' Commission Members	2, 4, 6, 8
Consultants	2, 4, 6, 8

#### **ATTACHMENT B**

#### **DISCLOSURE CATEGORIES**

#### Category 1. All-Inclusive Reportable Investments

A designated employee in this category shall disclose all investments (worth more than \$2,000) in a City-related business entity which are:

- (a) Owned by the designated employee, his or her spouse or dependent child;
- (b) Owned by an agent on behalf of the designated employee;
- (c) Owned by any business entity controlled by the designated employee (i.e., any business entity in which the designated employee, his or her agents, spouse and dependent children hold more than a 50% ownership interest);
- (d) Owned by a trust in which the designated employee has a substantial interest (i.e., a trust in which the designated employee, his or her spouse and dependent children have a present or future interest worth more than \$2,000);
- (e) Representing the pro rata share (worth more than \$2,000) of the designated employee, his or her spouse and dependent children, of investments of any business entity or trust in which the designated employee, his or her spouse and dependent children own, directly, indirectly or beneficially, a 10% interest or greater.

"Investment" means any financial interest in or security issued by a City-related business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest.

A business entity is "City-related" if, and only if, the business entity or any parent, subsidiary or otherwise related business entity (i) has an interest in real property within the jurisdiction, (ii) does business in the City, or (iii) did business or plans to do business in the City at any time during the period commencing two years prior to and ending one year after the time the designated employee is required by this Code to file his or her next Statement of Economic Interests or to disqualify himself or herself with respect to a City decision. (The term "parent, subsidiary, or otherwise related business entity" shall be construed as specifically defined by the Commission.)

No asset is deemed an "investment" unless its fair market value exceeds \$2,000.

The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.

#### Category 2. Less-Inclusive Reportable Investments

A designated employee in this category shall disclose those, and only those, Category 1 reportable investments which pertain to a business entity, a business activity which is that of:

- (a) Providing within the last two years, or foreseeably in the future, services, supplies, materials, machinery or equipment to the City;
- (b) Conducting a business in the City which requires a business license therefore pursuant to ordinances of the City;
- (c) Sale, purchase, exchange, lease or rental, or financing, for its own account or as broker, of real property or the development, syndication or subdivision of real property or construction thereon of buildings or structures.

#### Category 3. All-Inclusive Reportable Interests in Real Property

A designated employee in this category shall disclose all interests (worth more than \$2,000) in real property located within the jurisdiction if the interests are:

- (a) Held or owned by the designated employee, his or her spouse, or dependent child;
  - (b) Owned by an agent on behalf of the designated employee;
- (c) Owned by any business entity controlled by the designated employee (i.e., any business entity in which the designated employee, his or her agents, spouse and dependent children hold more than a 50% ownership interest):
- (d) Owned by a trust in which the designated employee has a substantial interest (i.e., a trust in which the designated employee, his or her spouse and dependent children have a present or future interest worth more than \$2,000);
- (e) Representing the pro rata share (worth more than \$2,000) of the designated employee, his or her spouse and dependent children, of investments of any business entity trust in which the designated employee, his or her spouse and dependent children own, directly, indirectly or beneficially, a 10% interest or greater.

"Interest" in real property includes any leasehold, beneficial or ownership interest, or any option to acquire such an interest, in real property, but does not include the principal residence of the filer.

Real property shall be deemed to be "located within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the City or within two miles of any land owned or used by the City.

#### Category 4. Less-Inclusive Reportable Interests in Real Property

A designated employee in this category shall disclose those, and only those, Category 3 reportable interests in real property where the property or any part of it is located within or not more than 500 feet outside the boundaries of the City.

#### Category 5. All-Inclusive Reportable Income

A designated employee in this category shall disclose all income of the designated employee from any City-related source aggregating \$500 or more (or \$50 or more in the case of gifts) during the reporting period.

"Income" means, except as provided below, income of any nature from any City-related source, including but not limited to, any salary, wage, advance payment, honorarium, award, gift, including any gift of food or beverage, loan forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the general public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse from any City-related source. Income of an individual also includes a pro rata share of any income of any City-related business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.

A source, business entity or trust is "City-related" if, and only if, he, she or it (i) resides in the jurisdiction, (ii) has an interest in real property within the jurisdiction, (iii) does business in the City, or (iv) did business or plans to do business in the City at any time during the period commencing two years prior to and ending one year after the time the designated employee is required by this Code to file his or her next Statement of Economic Interests or to disqualify himself or herself with respect to a City decision.

"Income" does not include:

- (a) Campaign contributions required to be reported under Chapter 4 of the Act;
- (b) Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;
- (c) Gifts of informational material, such as books, pamphlets, reports, calendars or periodicals;
- (d) Gifts which are not used and which, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

- (e) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin or the spouse of any such person, provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;
- (f) Gifts of hospitality involving food, beverages, or lodging provided to the designated employee, if such hospitality has been reciprocated within the filing period. "Reciprocity" as used in this subsection includes the providing by the designated employee to the host of any consideration, including entertainment or household gift of a reasonably similar benefit or value;
  - (g) Any devise or inheritance;
- (h) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;
- (i) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government;
  - (j) Loans by a commercial lending institution in the regular course of business.

"Honorarium" means a payment for speaking at any event, participating in a panel or seminar or engaging in any similar activity. For purposes of this subsection, free admission, food, beverages and similar nominal benefits provided to a filer at an event at which he or she speaks, participates in a panel or seminar, or performs a similar service, and reimbursement or advance for actual intrastate travel and for necessary accommodations provided directly in connection with the event are not payment and need not be reported by the designated employee.

A prize or an award shall be disclosed as a gift unless the prize or award is received on the basis of a bona fide competition not related to the designated employee's official status. Prizes or awards which are not disclosed as gifts shall be disclosed as income.

#### Category 6. Less-Inclusive Types of Reportable Income

A designated employee in this category shall disclose those, and only those types of Category 5 reportable income which are derived from a source, an activity which is that of:

- (a) Providing within the last two years, or foreseeably in the future, services, supplies, materials, machinery or equipment to the City.
- (b) Conducting a business in the City which requires a business license therefore pursuant to ordinances of the City.

(c) Sale, purchase, exchange, lease or rental, or financing, for its own account or as broker, of real property or the development, syndication or subdivision of real property or construction thereon of buildings or structures.

#### Category 7. All-Inclusive Types of Business Positions

A designated employee in this category shall disclose all business positions held within the jurisdiction held by the designated employee, his or her spouse, or dependent child.

A business position shall be deemed to be "located within the jurisdiction" if the position is held in a business entity which is located within or not more than two miles outside the boundaries of the City or within two miles of any land owned or used by the City.

"Business Position" includes: the name and address of each business entity in which the designated employee is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

#### Category 8. Less-Inclusive Types of Business Positions

A designated employee in this category shall disclose those, and only those types of Category 7 business positions which are part of business entities which:

- (a) Provided within the last two years, currently provide, or will foreseeably in the future provide, services, supplies, materials, machinery or equipment to the City.
- (b) Conduct business in the City requiring a business license therefore pursuant to ordinances of the City.
- (c) Sell, purchase, exchange, lease or rent, or finance, for its own account or as broker, real property or the development, syndication or subdivision of real property or construction thereon of buildings or structures.

# Conflict of Interest Disclosure Categories

# Marked version With changes redlined

#### **ATTACHMENT A**

Position	Disclosure Categories
City Staff under City Manager:	
Accountant	1, 4, 5, 7
Accounting Technician	1, 4, 5, 7
Administrative Analyst for Human Resources/City Manager's Office	
Animal Control Manager	1, 3, 5, 7
Assistant City Manager	1, 3, 5, 7
Assistant City Manager Assistant to the City Manager	1, 3, 5, 7
Assistant to the City Manager Assistant Engineer	1, 3, 5, 7
Assistant Engineer Assistant Planner	1, 3, 5, 7
	2, 4, 6, 8
Associate Engineer Associate Planner	
	1, 3, 5, 7
Building and Fire Safety Inspector	1, 4, 5, 7
Building Official	1, 3, 5, 7
Buyer	1, 4, 5, 7
City Clerk	1, 4, 5, 7
City Engineer/Deputy Director of Public Works	1, 3, 5, 7
City Engineer/Deputy Director of Engineering Services	1, 3, 5, 7
City Traffic Engineer	2, 4, 6, 8
Code Compliance Officer	2, 4, 6, 8
Communications Center Manager	2, 4, 6, 8
Crime Lab Manager	1, 3, 5, 7
Deputy City Clerk	1, 4, 5, 7
Deputy Director of Community Development	1, 3, 5, 7
Deputy Director of Parks and Recreation	1, 4, 6
Deputy Director of Public Works	1, 4, 5, 7
Deputy Director of Public Works Operations	<u>1, 4, 5, 7</u>
Deputy Director – Special Projects	<u>1, 4, 5, 7</u>
Deputy Fire Chief	2, 4, 6, 8
Deputy Fire Marshal	1, 4, 5, 7
Director of Community Development	1, 3, 5, 7
Director of Engineering Services	<u>1, 3, 5, 7</u>
Director of Finance	1, 3, 5, 7
Director of Finance/City Treasurer	1, 3, 5, 7
Director of Human Resources	1, 3, 5, 7
Director of Information Technologies	1, 3, 5, 7
Director of Parks & Recreation	1, 4, 6
Director of Public Works	1, 3, 5, 7
Director of Public Works Operations	1, 3, 5, 7
Engineering Technician	1, 3, 5, 7
Facilities Manager	2, 4, 6, 8
Financial Operations Manager	1, 4, 5, 7
Fire Battalion Chief	2, 4, 6, 8
Fire Chief	1, 3, 5, 7
Fire Division Chief	2, 4, 6, 8
Fire Inspector I	1, 4, 5, 7
Fire Inspector II	1, 4, 5, 7
•	

Fire Marshal	1, 3, 5, 7
Fleet Manager	2, 4, 6
GIS Analyst	1, 3, 5, 7
Housing Manager	1, 3, 5, 7
Housing Specialist	1, 3, 5, 7
Human Resources Analyst	2, 4, 6, 8
Human Resources Manager	1, 3, 5, 7
Information Technologies Analyst	1, 3, 5, 7
Information Technologies Specialist	1, 3, 5, 7
Information Technologies Manager	1, 4, 5, 7
Junior Engineer	1, 3, 5, 7
Licensed Land Surveyor	1, 3, 5, 7
Maintenance Supervisor	2, 4, 6, 8
Management Analyst	1, 3, 5, 7
Management Assistant	1, 3. 5, 7
Marketing and Engagement Manager	1, 3, 5, 7
Network Administrator	1, 4, 5, 7
Operations Manager	2, 4, 6, 8
Parks & Recreation Services Manager	2, 4, 6, 8
Planning Manager	1, 3, 5, 7
Plans Examiner	1, 4, 5, 7
Police Captain	2, 4, 6, 8
Police Chief	1, 3, 5, 7
Police Lieutenant	2, 4, 6, 8
Police Records Manager	2, 4, 6, 8
Principal Civil Engineer	1, 3, 5, 7
Principal Fiscal Analyst	1, 3, 5, 7
Principal Human Resources Analyst	1, 3, 5, 7
Public Information Officer	1, 4, 5, 7
Public Works Inspector	2, 4, 6, 8
Public Works Superintendent	2, 4, 6, 8
Purchasing Agent	1, 3, 5, 7
Senior Accountant	1, 4, 5, 7
Senior Accounting Technician	1, 4, 5, 7
Senior Building and Fire Safety Inspector	1, 4, 5, 7
Senior Buyer	1, 4, 5, 7
Senior Engineering Technician	1, 3, 5, 7
Senior Human Resources Analyst	1, 3, 5, 7
Senior Management Analyst	1, 3, 5, 7
Senior Planner	1, 3, 5, 7
Senior Risk Management Analyst	1, 3, 5, 7
Supervising Building and Fire Safety Inspector	1, 3, 5, 7
Supervising Engineering Technician	1, 3, 5, 7
City Attorney Staff:	
Assistant City Attorney	1, 3, 5, 7
Deputy City Attorney	1, 3, 5, 7
Retained Attorney	1, 3, 5, 7
Staff Attorney	1, 3, 5, 7

## **Boards/Commissions/Committees/Consultants**

Personnel Commission Members	2, 3, 5, 7
Public Safety Facility Financing Oversight Committee	2, 4, 6, 8
Relocation Appeals Board Members	2, 3, 6, 8
Successor Agency Oversight Board	1, 3, 5, 7
Veterans' Commission Members	2, 4, 6, 8
Consultants	2, 4, 6, 8

#### **ATTACHMENT B**

#### **DISCLOSURE CATEGORIES**

#### Category 1. All-Inclusive Reportable Investments

A designated employee in this category shall disclose all investments (worth more than \$2,000) in a City-related business entity which are:

- (a) Owned by the designated employee, his or her spouse or dependent child;
- (b) Owned by an agent on behalf of the designated employee;
- (c) Owned by any business entity controlled by the designated employee (i.e., any business entity in which the designated employee, his or her agents, spouse and dependent children hold more than a 50% ownership interest);
- (d) Owned by a trust in which the designated employee has a substantial interest (i.e., a trust in which the designated employee, his or her spouse and dependent children have a present or future interest worth more than \$2,000);
- (e) Representing the pro rata share (worth more than \$2,000) of the designated employee, his or her spouse and dependent children, of investments of any business entity or trust in which the designated employee, his or her spouse and dependent children own, directly, indirectly or beneficially, a 10% interest or greater.

"Investment" means any financial interest in or security issued by a City-related business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest.

A business entity is "City-related" if, and only if, the business entity or any parent, subsidiary or otherwise related business entity (i) has an interest in real property within the jurisdiction, (ii) does business in the City, or (iii) did business or plans to do business in the City at any time during the period commencing two years prior to and ending one year after the time the designated employee is required by this Code to file his or her next Statement of Economic Interests or to disqualify himself or herself with respect to a City decision. (The term "parent, subsidiary, or otherwise related business entity" shall be construed as specifically defined by the Commission.)

No asset is deemed an "investment" unless its fair market value exceeds \$2,000.

The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.

#### Category 2. Less-Inclusive Reportable Investments

A designated employee in this category shall disclose those, and only those, Category 1 reportable investments which pertain to a business entity, a business activity which is that of:

- (a) Providing within the last two years, or foreseeably in the future, services, supplies, materials, machinery or equipment to the City;
- (b) Conducting a business in the City which requires a business license therefore pursuant to ordinances of the City;
- (c) Sale, purchase, exchange, lease or rental, or financing, for its own account or as broker, of real property or the development, syndication or subdivision of real property or construction thereon of buildings or structures.

#### Category 3. All-Inclusive Reportable Interests in Real Property

A designated employee in this category shall disclose all interests (worth more than \$2,000) in real property located within the jurisdiction if the interests are:

- (a) Held or owned by the designated employee, his or her spouse, or dependent child;
  - (b) Owned by an agent on behalf of the designated employee;
- (c) Owned by any business entity controlled by the designated employee (i.e., any business entity in which the designated employee, his or her agents, spouse and dependent children hold more than a 50% ownership interest):
- (d) Owned by a trust in which the designated employee has a substantial interest (i.e., a trust in which the designated employee, his or her spouse and dependent children have a present or future interest worth more than \$2,000);
- (e) Representing the pro rata share (worth more than \$2,000) of the designated employee, his or her spouse and dependent children, of investments of any business entity trust in which the designated employee, his or her spouse and dependent children own, directly, indirectly or beneficially, a 10% interest or greater.

"Interest" in real property includes any leasehold, beneficial or ownership interest, or any option to acquire such an interest, in real property, but does not include the principal residence of the filer.

Real property shall be deemed to be "located within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the City or within two miles of any land owned or used by the City.

#### Category 4. Less-Inclusive Reportable Interests in Real Property

A designated employee in this category shall disclose those, and only those, Category 3 reportable interests in real property where the property or any part of it is located within or not more than 500 feet outside the boundaries of the City.

#### Category 5. All-Inclusive Reportable Income

A designated employee in this category shall disclose all income of the designated employee from any City-related source aggregating \$500 or more (or \$50 or more in the case of gifts) during the reporting period.

"Income" means, except as provided below, income of any nature from any City-related source, including but not limited to, any salary, wage, advance payment, honorarium, award, gift, including any gift of food or beverage, loan forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the general public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse from any City-related source. Income of an individual also includes a pro rata share of any income of any City-related business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.

A source, business entity or trust is "City-related" if, and only if, he, she or it (i) resides in the jurisdiction, (ii) has an interest in real property within the jurisdiction, (iii) does business in the City, or (iv) did business or plans to do business in the City at any time during the period commencing two years prior to and ending one year after the time the designated employee is required by this Code to file his or her next Statement of Economic Interests or to disqualify himself or herself with respect to a City decision.

"Income" does not include:

- (a) Campaign contributions required to be reported under Chapter 4 of the Act;
- (b) Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;
- (c) Gifts of informational material, such as books, pamphlets, reports, calendars or periodicals;
- (d) Gifts which are not used and which, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

- (e) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin or the spouse of any such person, provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;
- (f) Gifts of hospitality involving food, beverages, or lodging provided to the designated employee, if such hospitality has been reciprocated within the filing period. "Reciprocity" as used in this subsection includes the providing by the designated employee to the host of any consideration, including entertainment or household gift of a reasonably similar benefit or value;
  - (g) Any devise or inheritance;
- (h) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;
- (i) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government;
  - (j) Loans by a commercial lending institution in the regular course of business.

"Honorarium" means a payment for speaking at any event, participating in a panel or seminar or engaging in any similar activity. For purposes of this subsection, free admission, food, beverages and similar nominal benefits provided to a filer at an event at which he or she speaks, participates in a panel or seminar, or performs a similar service, and reimbursement or advance for actual intrastate travel and for necessary accommodations provided directly in connection with the event are not payment and need not be reported by the designated employee.

A prize or an award shall be disclosed as a gift unless the prize or award is received on the basis of a bona fide competition not related to the designated employee's official status. Prizes or awards which are not disclosed as gifts shall be disclosed as income.

#### Category 6. Less-Inclusive Types of Reportable Income

A designated employee in this category shall disclose those, and only those types of Category 5 reportable income which are derived from a source, an activity which is that of:

- (a) Providing within the last two years, or foreseeably in the future, services, supplies, materials, machinery or equipment to the City.
- (b) Conducting a business in the City which requires a business license therefore pursuant to ordinances of the City.

(c) Sale, purchase, exchange, lease or rental, or financing, for its own account or as broker, of real property or the development, syndication or subdivision of real property or construction thereon of buildings or structures.

#### Category 7. All-Inclusive Types of Business Positions

A designated employee in this category shall disclose all business positions held within the jurisdiction held by the designated employee, his or her spouse, or dependent child.

A business position shall be deemed to be "located within the jurisdiction" if the position is held in a business entity which is located within or not more than two miles outside the boundaries of the City or within two miles of any land owned or used by the City.

"Business Position" includes: the name and address of each business entity in which the designated employee is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

#### Category 8. Less-Inclusive Types of Business Positions

A designated employee in this category shall disclose those, and only those types of Category 7 business positions which are part of business entities which:

- (a) Provided within the last two years, currently provide, or will foreseeably in the future provide, services, supplies, materials, machinery or equipment to the City.
- (b) Conduct business in the City requiring a business license therefore pursuant to ordinances of the City.
- (c) Sell, purchase, exchange, lease or rent, or finance, for its own account or as broker, real property or the development, syndication or subdivision of real property or construction thereon of buildings or structures.



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

FROM: Clay Schoen, Director of Finance

**SUBJECT:** Fiscal Year 2024-25 Annual City, Housing Authority, and Successor Agency

**Budgets** 

#### **RECOMMENDATION:**

That the City Council, Housing Authority, and the City of El Cajon as Successor Agency to the former Redevelopment Agency hold a joint public hearing to consider the Fiscal Year 2024-25 Proposed Budgets. After closing the public hearing, staff recommends the following:

- 1. Acting as the City Council, individually adopt the following:
  - a. Resolution of the City of El Cajon Adopting the Fiscal Year 2024-25 Annual Budget.
  - b. Resolution Approving and Adopting the Annual Appropriations Limit for Fiscal Year 2024-25.
  - c. Resolution Approving Designation of General Fund Balances.
- 2. Acting as the Housing Authority Board of Directors, adopt Resolution titled: Resolution of the El Cajon Housing Authority Adopting the Fiscal Year 2024-25 Budget.
- Acting as the Successor Agency to the former Redevelopment Agency Board of Directors, adopt Resolution titled: Resolution of the City Council of the City Of El Cajon as the Successor Agency to the former El Cajon Redevelopment Agency Adopting the Fiscal Year 2024-25 Budget.

#### BACKGROUND:

Presented for adoption are the Fiscal Year 2024-25 Budgets for the City, the Housing Authority, and the Successor Agency to the former Redevelopment Agency. After today's public hearing, it is recommended that the City Council/Board approve City, Housing Authority, and Successor Agency resolutions to adopt the Fiscal Year 2024-25 Budgets and the City's Annual Appropriations Limit for Fiscal Year 2024-25.

The Successor Agency budget and a Recognized Obligations Payment Schedule (ROPS) must be prepared by the Successor Agency and presented to the Oversight Board and State Department of Finance for approval. The annual budget and ROPS for Fiscal Year 2024-25 were approved by the Oversight Board on January 18, 2024, and subsequently submitted to the State and County Auditor-Controller for allocation of funding. In addition to the resolutions, attached to this report is the City Manager's Transmittal Letter and the FY 2024-25 Budget cover page. A copy of the full budget can be found at www.elcajon.gov/budget.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed FY 2024-25 Annual Budgets are not "Projects" as defined under sections 15378(4) and (5) of the State CEQA Guidelines because the proposed budgets and recommended actions consist of governmental fiscal/administrative activities which do not result in a physical change in the environment.

#### FISCAL IMPACT:

Appropriations totaling \$266,953,396 will be established for City of El Cajon and Housing Authority funds in addition to \$4,412,793 for the Successor Agency of the former El Cajon Redevelopment Agency.

Prepared By: Clay Schoen, Director of Finance

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

#### **Attachments**

Resolution - City Budget

Resolution - Annual Appropriations

Resolution - Designation of GF Balances

Resolution - Housing Authority Budget

Resolution - Successor Agency

FY25 Budget Letter from the City Manager

FY25 Preliminary Annual Budget Cover

#### RESOLUTION NO. -24

#### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON ADOPTING THE FISCAL YEAR 2024-2025 ANNUAL BUDGET

WHEREAS, the City Council of the City of El Cajon reviewed the proposed 2024-2025 annual budget (the "Budget") at the June 25, 2024 City Council meeting, and accepted public comments to the proposed budget; and

WHEREAS, the Budget includes all City grants and annual capital improvement budgets;

WHEREAS, copies of the Budget have been provided on the City's website, at various City Hall locations, and made available to the public; and

WHEREAS, this is not a "Project" as defined under sections 15378(4) and (5) of the State California Environmental Quality Act ("CEQA") Guidelines because the Budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

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

- 1. The City Council does hereby approve and adopt the City of El Cajon budget titled City of El Cajon Annual Budget 2024-2025, incorporated herein by reference, and reaffirm all active grant and capital project budgets.
- 2. This is not a "Project" as defined under sections 15378(4) and (5) of CEQA Guidelines because the Budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

06/25/24 CC Agenda Reso - Budget – Adopt City FY 24-25 061724

#### RESOLUTION NO. -24

#### RESOLUTION APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2024-2025

WHEREAS, Article XIII (B) of the State Constitution places various limitations on the appropriations of the state and local governments; and

WHEREAS, Article XIII (B) provides that the appropriations limit for the fiscal year 2023-2024 is calculated by adjusting the appropriations of the fiscal year 2023-2024 for changes in the price and population; and

WHEREAS, the information necessary for making these adjustments is attached in Exhibit "A," and made a part hereof; and

WHEREAS, the City of El Cajon has complied with all of the provisions of Article XIII (B) in determining the appropriations limit for fiscal year 2024-2025; and

WHEREAS, this is not a "Project" as defined under sections 15378(4) and (5) of the State California Environmental Quality Act ("CEQA") Guidelines because the budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

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

- 1. That the appropriations subject to limitations in fiscal year 2024-2025 shall be \$210,180,935 for the City of El Cajon.
- 2. This is not a "Project" as defined under sections 15378(4) and (5) of CEQA Guidelines because the budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

06/25/24 CC Agenda Reso - Budget – Annual Appropriations Limit for FY 24-25 061724

#### **EXHIBIT "A"**

### DETERMINATION OF 2024-2025 APPROPRIATIONS LIMIT CONSTITUTIONAL SPENDING LIMITS

Article XIII (B) of the California Constitution provides that the City's annual appropriations be subject to certain State limitations. This appropriations limit is often referred to as the Gann Limitation. The City's limitation is calculated each year and is established by a resolution of the City Council as a part of the Annual Operating Budget.

The Article XIII (B) limitation for Fiscal Year 2024-2025 is \$210,180,935. The Gann spending limitation is calculated by taking the prior year's limitation of \$202,696,306 and adjusting it by the growth factor in the California Per Capita Personal Income and change in the population within the County of San Diego.

The Article XIII (B) limitation is not a restricting factor for the City of El Cajon due to the population growth during the past several years.

#### Basic References:

- (1) City of El Cajon Resolution No. 056-23 (established 2023-2024 appropriations limit)
- (2) Article XIII (B), State Constitution, as implemented by SB 1352 of 1980 and amended by Proposition 111 and SB 88 of 1990
- (3) "Price and Population Data for Local Jurisdictions," Department of Finance, State of California, May 2024

Raw	Data:
1\av	Daia.

California	Non-Residential	Population Growth	Population Growth
per Capita Personal Income	New Construction	County of San Diego	City of El Cajon
3.62%	*	.07%	60%

APPROPRIATIONS LIMIT 2023-2024 = \$202,696,306

#### Calculation:

2024-2025  $1.0362 \times 1.0007 = 1.03692534 \times \$202,696,306 = \$210,180,935$ 

\* Unavailable at this time.

#### RESOLUTION NO. \_\_\_-24

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON APPROVING DESIGNATION OF GENERAL FUND BALANCES

WHEREAS, maintaining appropriate levels of fund balance, commonly referred to as reserves, is a critical component of sound financial management and fiscal security; and

WHEREAS, the practice of maintaining reserves was formalized by El Cajon City Council adoption of the Fund Balance City Council Policy B-12 ("CCP B-12") on June 14, 2011, and reinforced by the Pension Reform and Fiscal Responsibility Plan Resolution No. 47-13 adopted on April 9, 2013 ("Resolution 47-13"); and

WHEREAS, by implementation of CCP B-12 and Resolution 47-13, as well as subsequent annual budgets, the following reserve accounts have been established and maintained at various levels:

- 1. Carryover Reserve (Unassigned Fund Balance): Funded by revenues received in excess of expenditures, and available for future appropriation;
- 2. Designated for Economic Uncertainty (Assigned Fund Balance): Established for the purpose of stabilizing delivery of City services during periods of structural budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures;
- Designated for Unfunded PERS/Retirement Obligations (Assigned Fund Balance):
   Due to increasing retirement contribution rates to CalPERS and unfunded pension
   obligations, the City Council approved the Pension Reform and Fiscal
   Responsibility Plan, which includes making periodic additional payments to
   CalPERS, whenever fiscally prudent; and
- 4. Operating Reserve (Committed Fund Balance): A long-standing reserve established as 20% of annual expenditures for two purposes (1) to provide General Fund cash flow; and (2) to serve as a reserve of last resort against unexpected events or risks outside the City's control; and

WHEREAS, from time to time it becomes necessary to adjust reserve balances to reflect both changing economic conditions, as well as advance the City Council's commitment to sound financial management; and

WHEREAS, at the completion of Fiscal Year 2022-2023 the General Fund had reserves totaling \$62.2 million, as detailed below:

Reserve Account	Balance
Carryover Reserve	\$16,866,360
Designated for Economic Uncertainty	16,161,701
Reserve for Unfunded PERS/Retirement Obligations	13,000,000
Operating Reserve (20% of Expenditures)	16,161,701
Total General Fund Reserve Balance	\$62,189,762

WHEREAS, General Fund Reserves are currently sixty-six and a half percent (66.5%) or approximately eight (8) months of operating expenditures, which exceeds current requirements, and allows the opportunity to redirect funds to meet future City needs; and

WHEREAS, this is not a "Project" as defined under sections 15378(4) and (5) of the State California Environmental Quality Act ("CEQA") Guidelines because the Budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

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. This is not a "Project" as defined under sections 15378(4) and (5) of CEQA Guidelines because the Budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.
- 3. The City Council hereby approves the designation of general fund balances as set forth in the table below to better prepare the City of El Cajon for future financial challenges.

Reserve Account	Balance
Carryover Reserve	\$11,769,100
Designated for Economic Uncertainty	18,710,331
Reserve for Unfunded PERS/Retirement Obligations	13,000,000
Operating Reserve (20% of Expenditures)	18,710,331
Total General Fund Reserve Balance	\$62,189,762

4. The City Manager and the Director of Finance are hereby authorized to designate general fund balances to balance reserve accounts as herein approved.

06/25/24 CC Agenda

Reso - Budget – Approve Designation of General Fund Balances FY 24-25 061724

#### RESOLUTION NO. ECHA-

### RESOLUTION OF THE EL CAJON HOUSING AUTHORITY APPROVING THE FISCAL YEAR 2024-2025 BUDGET

WHEREAS, on March 9, 2011, the City Council for the City of El Cajon (the "City Council") established the El Cajon Housing Authority (the "Housing Authority") in order to transfer the affordable housing functions of the Agency, to the Housing Authority; and

WHEREAS, the Housing Authority anticipates the periodic return of Low- and Moderate-Income Housing Asset Funds through the repayment of outstanding Agency contracts, loans, other receivables, or other sources borrowed or generated by the Housing Authority; and

WHEREAS, this is not a "Project" as defined under sections 15378(4) and (5) of the State California Environmental Quality Act ("CEQA") Guidelines because the budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE EL CAJON HOUSING AUTHORITY BOARD OF DIRECTORS AS FOLLOWS:

- 1. The foregoing recitals are true and correct and constitute findings of the Housing Authority Board of Directors.
- 2. This is not a "Project" as defined under sections 15378(4) and (5) of CEQA Guidelines because the budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.
- 3. The Housing Authority Board of Directors hereby finds and determines that the planning and administrative costs paid with Low and Moderate Housing Asset Funds or other funds as may be received, as described in the Low- and Moderate-Income Housing Asset Fund Administration and Capital Improvement Budgets are necessary for the production, improvement or preservation of low- and moderate-income housing as required by subdivision (d) of section 33334.3 or 34200 *et seq.* of the California Health and Safety Code.
- 4. The Housing Authority Board of Directors hereby further finds and determines that it will follow section 34176 of the Health and Safety Code relating to expenditures of the Low and Moderate Income Housing Fund asset fund.
- 5. The Housing Authority Board of Directors hereby further finds and determines that the acquisition/development of properties to be owned by or assisted by the Authority, assistance to low and moderate income households and improvements to properties (including a rapid rehousing and/or homeless prevention project, the Lexington Square Rental Subsidy Project, the Housing Authority Development and Revitalization Project, and the Acquisition/Rehab/New Construction project) help to eliminate both physical and economic blight by producing and/or replacing affordable housing units,

renovating facilities with substandard, defective or obsolete design or construction, and stimulating economic activity.

- 6. The Housing Authority Board of Directors hereby further finds and determines that no other reasonable means of financing the proposed activities are available to the community to fund these projects at this time.
- 7. The Fiscal Year 2024-2025 Low and Moderate-Income Housing Asset Fund Budget, including the Administration and Capital Improvement Budget included in the City of El Cajon fiscal year 2024-2025 annual budget, incorporated herein by reference, is hereby approved.

06/25/24 CC Agenda Reso - Budget – Adopt Housing Authority (ECHA) FY 24-25 061724

#### RESOLUTION NO. \_\_-24

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON AS THE SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY ADOPTING THE FISCAL YEAR 2024-2025 BUDGET

WHEREAS, the City of El Cajon formed the El Cajon Redevelopment Agency (the "Agency"), which has continuously engaged in redevelopment activities under the Community Redevelopment Law (Health and Safety Code sections 33000 *et seq.*) (the "Redevelopment Law"); and

WHEREAS, Assembly Bill 1X 26 (the "Dissolution Act") was enacted on June 28, 2011, to significantly modify the Redevelopment Law; and

WHEREAS, the Dissolution Act dissolved all redevelopment agencies in the state of California, including the El Cajon Redevelopment Agency, effective February 1, 2012; and

WHEREAS, section 34173 of the Redevelopment Law, as amended by the Dissolution Act, provides that the City, as the agency authorizing the creation of the Agency, is the successor entity to the Agency upon its dissolution (the "Successor Agency"), and is responsible for those obligations set forth in section 34177 of the Redevelopment Law, which include collecting obligations to the Agency, disposing of assets, winding down the affairs of the Agency, and otherwise performing such functions as required under the Dissolution Act; and

WHEREAS, the San Diego Countywide Redevelopment Successor Agency Oversight Board adopted a Recognized Obligation Payment Schedule ("ROPS") for expenditures for the period of July 1, 2024 through June 30, 2025 on January 18, 2024; and

WHEREAS, in order for the Successor Agency to act as contemplated herein the Agency must adopt an operating budget for the Fiscal Year 2024-2025 of \$4,412,793 (the "Budget") for the Successor Agency; and

WHEREAS, the proposed Budget is based on the anticipated level of responsibilities transferred to the Successor Agency;

WHEREAS, the absence of any particular contract or other obligation, from a ROPS does not in any way waive the legal rights of the City of El Cajon to challenge the purported validity of such contracts or obligations under the Dissolution Act; and

WHEREAS, this is not a "Project" as defined under sections 15378(4) and (5) of the State California Environmental Quality Act ("CEQA") Guidelines because the Budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

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

- 1. Recitals. The above recitals are true and correct.
- 2. <u>Approval of Budget</u>. The City Council, solely in its capacity as the Successor Agency, hereby approves the operating budget of \$4,412,793 for the Fiscal Year 2024-2025.
- 3. <u>Appropriations</u>. The appropriations establishing the operating and project administrative and debt service budgets for the City of El Cajon as Successor Agency to the former El Cajon Redevelopment Agency, consistent with the ROPS for the period of July 1, 2024 through June 30, 2025, are to be made.
- 4. <u>CEQA</u>. This is not a "Project" as defined under sections 15378(4) and (5) of CEQA Guidelines because the Budget and recommended actions consist of governmental fiscal/administrative activities that do not result in a physical change in the environment.

06/25/24 CC Agenda Reso - Budget – Adopt Successor Agency FY 24-25 061724



June 25, 2024

Honorable Mayor, City Council, and El Cajon Residents:

I am pleased to present the Annual Budget for the City of El Cajon for Fiscal Year 2024-2025 (FY2024-25). This budget serves as a comprehensive financial blueprint that establishes the City's funding priorities for the coming year, aligning with the City Council's goals, policies, and objectives. Staff relied on the Five-Year Business Plan and the Annual Comprehensive Financial Report to prepare the budget, providing a clear and strategic financial plan for the City.

The FY2024-25 budget focuses on several key priorities. Those funding priorities were identified through the City Council's 2024-25 annual priority-setting workshop and include:

- 1) **City Beautification**: Enhancing the aesthetics and overall appeal of our City through various initiatives and improvements.
- 2) **City Infrastructure**: Proactively ensuring the City's long-term infrastructure and facilities are funded and maintained.
- 3) **Economic Development**: Fostering growth and prosperity in our local economy through strategic initiatives and partnerships.
- 4) **Homelessness**: Addressing the challenges associated with homelessness by continuing to focus on the comprehensive strategies in place with a focus on providing neighborhood clean-up services.
- 5) **Public Safety**: Ensuring the well-being and security of our residents through effective law enforcement and expanding fire and emergency response resources.

Additionally, the City Council established several miscellaneous goals for the upcoming year, including the development of a new City Veterans Memorial, analyzing strategies to appropriately regulate short-term rental properties, preparing a planning study for the East Main Street area (between Madison Avenue and Walter Way), and exploring ways to enhance customer service through the use of technology.

By allocating resources and focusing on these priorities, the City aims to create a thriving community that meets the needs of its residents. This budget reflects the City's commitment to responsible fiscal management and our dedication to improving the quality of life in El Cajon.

#### **Analysis of Fiscal Year 2023-24 Budget**

Following the global COVID-19 pandemic, the City experienced a period of economic growth. However, starting in FY 2023-24, this growth slowed due to elevated inflationary pressures on the economy. This slowdown has impacted sales tax revenue, which constitutes approximately 46.8% of the City's General Fund budget.

As a result of the economic deceleration and its effect on sales tax revenue, General Fund revenues for FY 2023-24 are projected to be approximately \$3.4 million less than initially forecasted in the budget. However, through prudent management of expenses, expenditures are anticipated to be \$2.4 million less than expected, leading to a balanced General Fund budget for FY 2023-24.

#### **Summary of Fiscal Year 2024-25 Budget**

The proposed budget for FY2024-25 anticipates a continued slowdown in revenue growth compared to previous fiscal years. Consequently, the budget reflects conservative projections with modest to no growth in departmental expenditures. Highlighted below are several key elements of the FY2024-25 budget:

- Estimated General Fund revenues are expected to total \$98.1 million, marking an approximately \$300,000 decrease over last year's budgeted amount—a 0.3% decrease.
- Projected General Fund expenditures are set at approximately \$101 million, representing a \$758,066 increase from last year's budget.
- O By the conclusion of FY2024-25, the budget forecasts a combined General Fund balance and reserve of \$56.5 million, approximately \$2.9 million less than the current fund balance. This adjustment is principally attributed to the City's decision to continue funding the ten "overhire" officers and allocate resources to various priority capital projects from this fund.
- The City's 34 non-General Fund budgets, with aggregate expenditures nearing \$267million in FY 2024-25, contribute significantly to advancing numerous City objectives.

I am pleased to announce that the FY2024-25 budget effectively sustains service levels while prioritizing key initiatives, aligning closely with the City Council's 2024-25 Priorities and Implementation Plan. Subsequent sections elaborate on how this budget aptly addresses community objectives.

#### Fiscal Stability

The budget for FY 2024-25 ensures the preservation of a robust General Fund reserve of approximately \$56.5 million, equivalent to 56.0% of the FY2024-25 budgeted expenditures of the General Fund. This reserve serves as a safeguard for the City in the face of economic downturns or natural disasters, while also enabling the City to sustain essential services.

#### Economic Development

The budget for the FY2024-25 incorporates General Fund investment for various economic development initiatives. A considerable portion of this allocation is designated for development agreements that have been established in recent years to support crucial projects such as the Courtyard Marriott and the establishment of new car dealerships including BMW, Honda, and Mercedes Benz. Furthermore, the budget includes an infusion of nearly \$20 million more in American Rescue Plan Act funds for business assistance programs and other potential economic development opportunities.

#### Public Safety

The Fiscal Year 2024-25 budget highlights the priority of filling all police positions and funds compensation increases to attract and retain highly skilled and dedicated staff members. Furthermore, the budget acknowledges the continued utilization of the Special Enforcement Unit by the Police Department to tackle quality of life concerns, particularly those arising from the impact of homelessness on the community. Recognizing the significance of addressing homelessness, the budget also includes increased funding dedicated to homeless programs as a continued priority for FY2024-25.

During FY2024-25, the City is working toward adding an additional fire company (a fire engine and nine new Fire Department personnel) to provide effective medical and fire response to the community.

#### Public Infrastructure/ Enhanced Public Image

During Fiscal Year 2024-25, the City will persist in its proactive street maintenance program, directing various transportation funds towards essential initiatives such as street paving, sidewalk installation, and enhancements to drainage systems. An impressive sum of \$45.7 million in grant and non-General Fund resources will be utilized to bolster vehicle, pedestrian, and bicycle safety, install street lights in neighborhoods, implement ADA improvements, and invest in projects which increase safety and quality of life throughout the City.

#### Homelessness

The FY2024-25 budget demonstrates a comprehensive approach to addressing homelessness through a range of funding sources. The City is committed to financing programs that aim to assist individuals and households in securing permanent housing and to mitigate the adverse effects of homelessness within the community. For more

information about the myriad of programs offered by the City and efforts to clear illegal homeless encampments, visit <u>elcajon.gov/homelessness</u>.

Community (Recreation, Culture, and Public Events)

Community events and recreation resources are allocated in the FY2024-25 budget. Additionally, the budget includes funds for ongoing improvements in various parks, such as the Wells Park Pickleball Complex and Hillside Park enhancements.

Expansion of recreation programming aims to create positive critical hours of service and provide diversionary activities for the area's youth. Additionally, the budget supports new programming efforts targeting young adult and newcomer populations.

#### **Anticipated Loss of Proposition J Revenue in FY2028-29**

In 2008, El Cajon voters approved Proposition J, implementing a ½ cent special sales tax. This tax measure is anticipated to generate \$13.2 million in FY2024-25, which constitutes 13.4% of the City's General Fund revenue. This funding source is scheduled to expire during the 2028-29 fiscal year. While this eventuality is still several years away, it is prudent to begin planning for potential scenarios regarding the loss of millions of dollars in revenue. Over the next few fiscal year budgets, in the absence of approving a continuation of Proposition J sales tax, there will be a gradual reduction in expenditures aimed at mitigating the impact of this revenue loss.

#### Conclusion

The FY2024-25 budget presents a fiscally responsible plan that addresses the financial challenges faced by cities in California. It judiciously allocates limited resources to meet the needs and priorities of our community, while also establishing sustainable budgeting practices to ensure the City's long-term fiscal health.

This budget document represents the collective efforts of the entire City of El Cajon team, led by the City's Finance Department. By collaborating with all City departments and the executive team, the Finance Department has crafted a budget that reflects the values and vision set forth by the City Council. The City Council's steadfast leadership, stability, and forward-thinking approach continue to be essential to El Cajon's success.

As directed by the City Council, I am honored to lead a team of dedicated municipal employees who are deeply committed to serving the El Cajon community. I continue to be inspired by the resolute dedication of City staff in addressing the community's needs. I look forward to the upcoming year, marked by a renewed focus on meeting community needs and fulfilling the priorities established by the City Council.

Respectfully submitted,

Graham Mitchell City Manager

PRELIMINARY ANNUAL BUDGET ELCAJON. GOV/BUDGET

# CITY OF EL CAJON



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Angela Cortez, City Clerk

**SUBJECT:** Interview for City Committee

#### RECOMMENDATION:

That the City Council conducts an interview for a City of El Cajon representative on the Mission Trails Regional Park Citizens' Advisory Committee.

#### **BACKGROUND:**

The application received was provided to the City Council for consideration. Applicant was informed of the opportunity to make a three-minute presentation during the interview process, followed by a question and answer period by Council.

#### Mission Trails Regional Park Citizens' Advisory Committee

Vacancy: One (1) member vacancy to be appointed by the City Council directly, with a term expiring on 01/31/2026.

Applicant: Scott Penwell

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines section 15378(b)(5), because it is an organizational activity of government that will not result in direct or indirect physical changes in the environment.

Prepared By: Angela Cortez, City Clerk

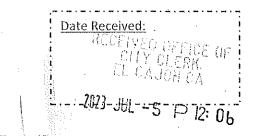
Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

**Attachments** 

Mission Trails Application





### MISSION TRAILS REGIONAL PARK CITIZENS' ADVISORY COMMITTEE PUBLIC SERVICE APPLICATION

Thank you for your interest in serving the community as a member of the Mission Trails Regional Park Citizens' Advisory Committee.

Name: Scott Penwell Date: April 2023		
The Mission Trails Regional Park is under the jurisdiction of the City of San Diego. There are nine (9) affected major community planning areas bordering the park, including the City of El Cajon. The Mission Trails Regional Park Citizen Advisory Committee was established to allow representation by each of these agencies as a means for arriving at consensus recommendations impacting the park and the surrounding agencies.		
Requirements to serve on the Mission Trails Regional Park Citizen Advisory Committee:		
<ul> <li>Reside in the city limits of El Cajon;</li> </ul>		
<ul> <li>General knowledge of parks would be helpful but not necessarily mandatory;</li> </ul>		
<ul> <li>Have an interest in the use and maintenance of Mission Trails Park;</li> </ul>		
Be able to work with other members of the committee, the general public, and park affiliated agencies.		
Are you a resident of the City of El Cajon? Yes $\square$ No $\square$		
How long have you lived in El Cajon? $3000$ San Diego County? $3000$ San Diego County? $3000$ San Diego County?		
Are you available for meetings in the: Mornings $\square$ Evenings $\square$ Both $\square$		

APPLICATIONS ARE ACCEPTED ON AN ONGOING BASIS UNTIL A SEAT IS AVAILABLE.

**NOTE:** Once a public service application is filed with the City, it becomes a public record and is available to the public.

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! Applicant's Name:	
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#### **GENERAL INFORMATION**

#### **Term of Office & Position Type:**

The term of office will begin upon appointment and continue until the end of the original twoyear term, January 31, 2024.

	APPLICANT INFORMATION
NAME: Swt F	Penwell
ADDRESS:	
PHONE: 619	EMAIL:

If you choose to provide more information to any of the following questionnaires, please attach additional pages to this application form.

#### SUPPLEMENTAL QUESTIONNAIRE

#### **EXPLAIN YOUR INTEREST IN THIS POSITION:**

MTRP is a regional asset enjoyed by many. I have seen use triple and would like to ensure the park remains open and accessible and welcoming. If I can help, I am willing to works to reach that goal.

Have you been or are you now a member of a governmental board, commission or
committee: Yes No No No If yes, please list:
I worked for the Nany, retired.
Are you related to any employees of the City of El Cajon? *** \( \bigcup \) No \( \bigcup \) If yes, please indicate name and relationship:
Are you a registered voter? Yes ☑ No ☐ If no, please explain:

Please list your education, training, or special qualifications, which might be relevant to this position:

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	Environmental Engineer, 30 years	
	Fideral Government Employee.	
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	Hayroat, die, water, mulli media pollution cleanups, mitigation, conservation,	control
	partnering a land trusts + Other Gart agent	iis
*		

Please list your membership in service, community organizations, or volunteer work that might be relevant to this position:

San Diego Fly Zisbers.
Calibornia Native Plant Society.
Son Diego River Park Conservancy

EMPLOYMENT - CURRENT TO PAST
Name of Employer: $May$
Last job title: Envivonmental Program Manager
Dates of Employment: From: $/99/$ To: $202/$
List the duties performed while you worked at this company:
Everything related do environmental
stewardship and permitting and surveying,
and reporting and mitigation and avoidance
Everything related to environmental stewardship and permitting and surveying, and reporting and mitigation and avoidance and planning.
Name of Employer:
Last job title:
Dates of Employment: From: To:
List the duties performed while you worked at this company:

Name of Employer:		
Last job title:		
Dates of Employment:	From:	To:
List the duties performed while	you worked at this compa	ny:
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#### **ELIGIBILITY CERTIFICATION**

By signing below, I Scot Percell, certify that the information is true and correct to the best of mychowledge.

SIGNATURE

DATE / TOTAL

Please submit the signed application by mail or in person.

Mail to: City Clerk's Office, 200 Civic Center Way, El Cajon, CA 92020

Your application for the Mission Trails Regional Park Citizens' Advisory Committee will remain on file until an open seat/position is available, at which point you will be contacted with information regarding the interview process.



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

FROM: Yazmin Arellano, Director of Public of Works

SUBJECT: All-Way Stop Sign Request on Sandalwood Drive at Applewood Drive

#### RECOMMENDATION:

That the City Council adopts the next Resolution, in order to establish permanent all-way stop signs on Sandalwood Drive at the intersection of Applewood Drive in order to enhance pedestrian and traffic safety.

#### **BACKGROUND:**

The Engineering Services Department periodically receives requests to investigate the need for additional regulatory signs on City streets. This is a request to install permanent all-way stop signs on Sandalwood Drive at Applewood Drive. Nearby residents have expressed concern about vehicles traveling at excessive speeds on Sandalwood Drive, and the safety of pedestrians that cross at this intersection.

#### **Existing Conditions**

Sandalwood Drive is an east-west "residential" street that extends from Ballantyne Street to North Mollison Avenue. Sandalwood Drive has a residential speed limit of 25 miles per hour per California Vehicle Code Section 22352, "Prima Facie" Speed Limits. A "Stop" sign on Applewood Drive controls this T-intersection with no stop signs on Sandalwood Drive. Approximately 2,350 vehicles per day travel through this intersection.

The corner sight distance was measured to determine if a vehicle traveling from Applewood Drive has adequate sight distance to safely enter onto Sandalwood Drive. The minimum corner sight distance of 275 feet is desirable for a street with a posted speed limit of 25 miles per hour based on the Caltrans Highway Design Manual. The field investigation revealed that the available corner sight distance is less than the desirable requirement. Research of City records revealed that one (1) collision has occurred at this intersection during the past five (5) years.

#### All-Way Stop Sign Analysis on Sandalwood Drive and Applewood Drive

The City of El Cajon follows the California Manual on Uniform Traffic Control (CAMUTCD) guidelines and uses a "point" system developed by the City of San Diego to evaluate the need for the installation of all-way stop signs. Existing site conditions, traffic volumes, site distance obstructions, proximity to schools, and accident history are criteria used in the determination of all-way stops. A minimum of 30 points out of 50 is normally required for the installation of all-way stop signs. The results of the data collected at this intersection revealed that a total of 17 points were tallied at this location.

#### Conclusion

Although this intersection does not satisfy all the required traffic volume and accident history warrants per the California Manual on Uniform Traffic Control Devices (CAMUTCD), the less than desirable sight distance available coupled with the need to reduce the speed of vehicles that are traveling in excess of 25 miles per hour and allow the safe passage of pedestrians and vehicles crossing Sandalwood Drive are the justification for this installation.

All-way stop signs are used as a traffic-calming measure to help reduce speeds in the vicinity of these intersections and will help facilitate pedestrian and traffic flow. Based on this information, staff recommends that City Council approve stop signs to be installed on Sandalwood Drive at the intersection of Applewood Drive.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines section 15301(c) because it involves minor alterations to existing public facilities, including public safety enhancements and stop signs.

#### FISCAL IMPACT:

Approximately \$3,500.00 for the installation of all-way stop signs, pavement legends, and continental crosswalk markings. The cost is budgeted in the Fiscal Year 2023-2034 Traffic Maintenance Budget (101521).

Prepared By: Mario Sanchez, City Engineer

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

**Attachments** 

Resolution Attachments

#### RESOLUTION NO. -24

### RESOLUTION TO ESTABLISH ALL-WAY STOP SIGNS ON SANDALWOOD DRIVE AT THE INTERSECTION OF APPLEWOOD DRIVE TO ENHANCE PEDESTRIAN AND TRAFFIC SAFETY

WHEREAS, the City Council recognizes that the health, safety, and welfare of the residents of the City of El Cajon ("City") is vitally important, and that from time to time vehicular traffic control measures, including additional regulatory signs, are necessary to protect pedestrian traffic along and across public roads; and

WHEREAS, residents have expressed concern about vehicles traveling at excessive speeds on Sandalwood Drive, and the safety of pedestrians crossing at the intersection of Sandalwood Drive and Applewood Drive; and

WHEREAS, Sandalwood Drive is an east-west "residential" street that extends from Ballantyne Street to North Mollison Avenue, with a posted residential speed limit of twenty-five (25) miles per hour in accordance with California Vehicle Code section 22352, "Prima Facie" Speed Limits; and

WHEREAS, a "Stop" sign on Applewood Drive controls the T-intersection, with no stop signs on Sandalwood Drive, and approximately two thousand three hundred fifty (2,350) vehicles travel through said intersection per day; and

WHEREAS, based on the Caltrans Highway Design Manual, the minimum corner sight distance of two hundred seventy-five (275) feet is desirable for a street with a posted speed limit of twenty-five (25) miles per hour, and when measured to determine if a vehicle traveling from Applewood Drive has adequate sight distance to safely enter onto Sandalwood Drive, the field investigation revealed that the available corner sight distance at this location is less than the desirable requirement; and

WHEREAS, the City follows the California Manual on Uniform Traffic Control Devices ("CAMUTCD") guidelines and uses a "point" system developed by the City of San Diego to evaluate the need for the installation of all-way stop signs, and existing site conditions, traffic volumes, site distance obstructions, proximity to schools, and accident history are criteria used in the determination of all-way stops; and

WHEREAS, a minimum of thirty (30) points out of fifty (50) is typically required for the installation of all-way stop signs, and the results of the data collected revealed that a total of seventeen (17) points were tallied at this intersection; and

WHEREAS, research of City records revealed that one (1) collision has occurred at this intersection during the past five (5) years, and although this intersection does not satisfy all the required traffic volume and accident history as recommended by the CAMUTCD, the less than desirable sight distance available, coupled with the need to reduce the speed of vehicles that are traveling in excess of twenty-five (25) miles per hour and allow the safe passage of pedestrians and vehicles crossing Sandalwood Drive justifies the installation of all-way stop signs on Sandalwood Drive at Applewood Drive; and

WHEREAS, the fiscal impact for the installation of all-way stop signs, pavement legends, and continental crosswalk markings is approximately \$3,500.00, and sufficient funds are budgeted in the Fiscal Year 2023-24 Traffic Maintenance Budget; and

WHEREAS, the project is exempt from environmental review under California Environmental Quality Act ("CEQA") Guidelines section 15301(c), as it involves minor alterations to existing public facilities, including public safety enhancements and stop signs.

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

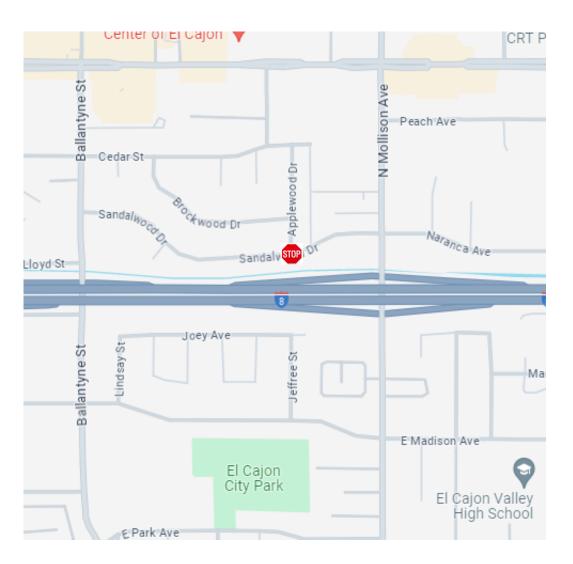
- 1. The foregoing recitals are true and correct, and are the findings of the City Council.
- 2. The City Council hereby approves the installation of all-way stop signs on Sandalwood Drive at the intersection of Applewood Drive as a traffic-calming measure in order to enhance pedestrian and traffic safety, and facilitate pedestrian and traffic flow.
- 3. The City Council finds that this project is exempt from environmental review under CEQA Guidelines section 15301(c), as it involves minor alterations to existing public facilities, including public safety enhancements and stop signs.
- 4. The Director of Engineering Services is hereby directed to immediately cause the installation of the appropriate signs, pavement legends, and continental crosswalk markings as soon as is reasonably possible.

06/25/24 CC Agenda Reso – All-Way Stop Signs – Sandalwood Dr at Applewood Dr 061224

# All-Way Stop Sign Request for Sandalwood Drive at Applewood Drive (Attachments)



## **Proposed Improvements - Sandalwood Drive at Applewood Drive**







## Sandalwood Drive at Applewood Drive Proposed Installation of All-Way Stop Signs







#### CITY OF EL CAJON FOUR-WAY STOP EVALUATION Sandalwood Dr/ Applewood Dr

Total Volume for Peak 4-Hour Period Peak Four-Hour Period: 3:00 P.M. to 7:00 P.M.

		290 Sandalwood Dr/
52	С	
Applewood Dr		D 319

LEG	4-HOUR VOLUME ENTERING	# OF LANES
В	290	1
С	52	1
D	319	1
TOTAL 4-HR VOL	661	

WARRANTS				POINTS/ASSIGNED	Possible			
WARRANT NUMBER 1: ACCIDENT HISTORY	5/31/2024	<u>4</u> 1	_x3	3	15			
WARRANT NUMBER 2: SPECIAL CONDITIONS (Site Distance Restrictions.)				5	5			
WARRANT NUMBER 3: TRAFFIC VOLUMES Major Street Minor Street	609 52			0	10 10			
WARRANT NUMBER 4: TRAFFIC VOLUME DIFFE Split Volume Diff. (Major volumes-Minor volumes)	RENCE <u>557</u>			4	5			
WARRANT NUMBER 5: PEDESTRIAN VOLUME				5	5			
			Total	17				
D. L. 5/04/0004		Points Red	quired	30	50			
Date: 5/31/2024 By: OR		FOUR-WAY STOP IS WARRANTED BASED ON LIMITED SIGHT DISTANCE						



#### Field Data Services of Arizona, Inc.

31894 Whitetail Ln. Temecula, CA 92592 (520) 316-6745

Site Code: Thurs 02/29/24 Station ID: EC 009-24 Applewood Dr north of Sandalwood Dr 32.804473, -116.953175

Latitude: 0' 0.0000 Undefined

Southbound															Latitado	. 0 0.0000	Ondomioa
Start	0	11	16	21	26	31	36	41	46	51	56	61	66	71		Average	85th
Time	10	15	20	25	30	35	40	45	50	55	60	65	70	71	Total	(Mean)	Percent
02/29/24	0	0	1	1	1	0	0	0	0	0	0	0	0	0	3	23	27
01:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	23	24
02:00	0	0	2	0	1	0	0	0	0	0	0	0	0	0	3	21	27
03:00	0	1	0	0	2	0	0	0	0	0	0	0	0	0	3	23	28
04:00	0	1	3	1	4	1	0	0	0	0	0	0	0	0	10	24	29
05:00	0	0	2	6	2	0	0	0	0	0	0	0	0	0	10	23	26
06:00	0	1	1	9	1	0	0	0	0	0	0	0	0	0	12	22	24
07:00	0	0	1	28	2	0	0	0	0	0	0	0	0	0	31	23	24
08:00	0	0	2	13	5	1	0	0	0	0	0	0	0	0	21	24	27
09:00	0	0	0	13	3	1	0	0	0	0	0	0	0	0	17	24	27
10:00	0	0	0	5	3	0	0	0	0	0	0	0	0	0	8	25	28
11:00	0	0	1	5	0	0	0	0	0	0	0	0	0	0	6	22	24
12 PM	0	0	0	7	5	0	0	1	0	0	0	1	0	0	14	29	29
13:00	1	1	1	3	2	2	0	0	0	0	0	0	0	0	10	23	31
14:00	2	0	1	6	5	1	0	0	0	0	0	0	0	0	15	23	28
15:00	0	0	1	6	4	1	0	0	0	0	0	0	0	0	12	25	28
16:00	0	1	0	6	1	4	0	0	0	0	0	0	0	0	12	26	32
17:00	0	0	2	9	3	2	0	3	0	1	0	0	0	0	20	29	41
18:00	0	0	3	3	2	0	0	0	0	0	0	0	0	0	8	22	27
19:00	1	0	1	3	0	0	0	0	0	0	0	0	0	0	5	19	23
20:00	0	0	2	1	1	0	0	0	0	0	0	0	0	0	4	22	27
21:00	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3	23	24
22:00	0	0	0	2	0	0	1	0	0	0	0	0	0	0	3	28	37
23:00	0	0	0	2	2	0	0	0	0	0	0	0	0	0	4	26	28
Total	4	5	24	133	49	13	1_	4	0	1	0	11	0	0	235		
Percent	1.7%	2.1%	10.2%	56.6%	20.9%	5.5%	0.4%	1.7%	0.0%	0.4%	0.0%	0.4%	0.0%	0.0%			
AM Peak		03:00	04:00	07:00	08:00	04:00									07:00		
Vol.		1	3	28	5	1									31		
PM Peak	14:00	13:00	18:00	17:00	12:00	16:00	22:00	17:00		17:00		12:00			17:00		
Vol.	2	1_	3	9	5	4	1	3		1		11			20		
Total	4	5	24	133	49	13	1	4	0	1	0	1	0	0	235		
Percent	1.7%	2.1%	10.2%	56.6%	20.9%	5.5%	0.4%	1.7%	0.0%	0.4%	0.0%	0.4%	0.0%	0.0%			

15th Percentile: 20 MPH 50th Percentile: 23 MPH 85th Percentile: 28 MPH 95th Percentile: 33 MPH

Stats 10 MPH Pace Speed: 21-30 MPH Number in Pace: 182

Percent in Pace : 77.4%

Number of Vehicles > 25 MPH : 69

Percent of Vehicles > 25 MPH : 29.4%

Mean Speed(Average) : 24 MPH

#### Field Data Services of Arizona, Inc.

31894 Whitetail Ln. Temecula, CA 92592 (520) 316-6745

Site Code: Thurs 02/29/24 Station ID: EC 010-24 Sandalwood Dr east of Applewood Dr 32.803976, -116.952807

Latitude: 0' 0.0000 Undefined

Westbound															Latitude	: 0 0.0000	Undelined
Start	0	11	16	21	26	31	36	41	46	51	56	61	66	71		Average	85th
Time	10	15	20	25	30	35	40	45	50	55	60	65	70	71	Total	(Mean)	Percent
02/29/24	0	0	0	6	0	0	1	0	0	0	0	0	0	0	7	25	24
01:00	0	0	3	4	2	0	0	0	0	0	0	0	0	0	9	22	26
02:00	0	2	0	1	5	1	0	0	0	0	0	0	0	0	9	25	29
03:00	0	0	0	1	2	0	0	0	0	0	0	0	0	0	3	26	28
04:00	0	0	1	1	0	3	0	0	0	0	0	0	0	0	5	28	33
05:00	0	1	0	5	5	0	0	0	0	0	0	0	0	0	11	24	28
06:00	2	0	2	9	8	6	1	0	0	0	0	0	0	0	28	26	32
07:00	2	0	3	16	23	9	2	1	0	0	0	0	0	0	56	27	32
08:00	1	0	3	24	28	12	3	0	0	0	0	0	0	0	71	27	31
09:00	0	2	6	29	27	8	1	0	0	0	0	0	0	0	73	25	29
10:00	0	0	0	27	25	6	3	0	0	0	0	0	0	0	61	27	29
11:00	0	1	4	23	23	8	0	0	0	0	0	0	0	0	59	26	29
12 PM	1	1	5	28	25	11	1	0	0	0	0	0	0	0	72	26	30
13:00	0	1	4	32	29	9	1	0	0	0	0	0	0	0	76	26	29
14:00	1	0	6	34	24	10	0	0	0	0	0	0	0	0	75	25	29
15:00	0	2	6	27	29	14	0	0	0	0	0	0	0	0	78	26	30
16:00	0	1	5	30	24	8	2	0	0	0	0	0	0	0	70	26	29
17:00	0	2	6	45	17	6	1	0	0	0	0	0	0	0	77	24	28
18:00	0	2	7	38	15	3	0	0	0	0	0	0	0	0	65	24	27
19:00	5	0	9	37	10	3	0	0	0	0	0	0	0	0	64	22	26
20:00	2	1	0	24	10	2	0	0	0	0	0	0	0	0	39	24	28
21:00	1	2	5	13	13	7	0	0	0	0	0	0	0	0	41	25	30
22:00	0	1	4	11	8	0	0	0	0	0	0	0	0	0	24	23	27
23:00	2	1	1	4	7	3	0	0	0	0	0	0	0	0	18	24	30
Total	17	20	80	469	359	129	16	1	0	0	0	0	0	0	1091		
Percent	1.6%	1.8%	7.3%	43.0%	32.9%	11.8%	1.5%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	06:00	02:00	09:00	09:00	08:00	08:00	08:00	07:00							09:00		
Vol.	2	2	6	29	28	12	3	1							73		
PM Peak	19:00	15:00	19:00	17:00	13:00	15:00	16:00								15:00		
Vol.	5	2	9	45	29	14	2								78		
Total	17	20	80	469	359	129	16	1	0	0	0	0	0	0	1091		
Percent	1.6%	1.8%	7.3%	43.0%	32.9%	11.8%	1.5%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			

15th Percentile: 20 MPH 50th Percentile: 24 MPH 85th Percentile: 29 MPH 95th Percentile: 33 MPH

Stats 10 MPH Pace Speed: 21-30 MPH Number in Pace: 829

Percent in Pace : 76.0%

Number of Vehicles > 25 MPH : 505

Percent of Vehicles > 25 MPH : 46.3%

Mean Speed(Average) : 25 MPH

#### Field Data Services of Arizona, Inc.

31894 Whitetail Ln. Temecula, CA 92592 (520) 316-6745

Site Code: Thurs 02/29/24 Station ID: EC 011-24 Sandalwood Dr west of Applewood Dr 32.803865, -116.953717

Latitude: 0' 0.0000 Undefined

Eastbound															Latitude	. 0 0.0000	Ondenned
Start	0	11	16	21	26	31	36	41	46	51	56	61	66	71		Average	85th
Time	10	15	20	25	30	35	40	45	50	55	60	65	70	71	Total	(Mean)	Percent
02/29/24	0	0	1	4	5	0	0	0	0	0	0	0	0	0	10	25	28
01:00	0	0	1	1	1	0	0	0	0	0	0	0	0	0	3	23	27
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	*	*
03:00	0	0	1	3	2	1	0	0	0	0	0	0	0	0	7	25	29
04:00	0	0	0	2	3	2	0	0	0	0	0	0	0	0	7	28	32
05:00	0	0	1	0	3	1	0	0	0	0	0	0	0	0	5	27	31
06:00	0	0	5	3	9	5	0	0	0	0	0	0	0	0	22	26	31
07:00	0	2	7	13	18	10	6	0	0	0	0	0	0	0	56	27	33
08:00	0	2	4	15	32	22	7	0	0	0	0	0	0	0	82	28	33
09:00	0	1	5	11	20	17	2	0	0	0	0	0	0	0	56	28	33
10:00	0	4	9	10	19	10	1	0	0	0	0	0	0	0	53	25	31
11:00	0	1	5	14	13	13	2	0	0	0	0	0	0	0	48	27	33
12 PM	0	1	1	11	14	16	4	1	0	0	0	0	0	0	48	29	34
13:00	0	6	8	12	14	10	3	0	0	0	0	0	0	0	53	25	32
14:00	0	0	12	15	33	24	2	0	0	0	0	0	0	0	86	27	32
15:00	0	1	3	14	31	23	9	0	0	0	0	0	0	0	81	29	34
16:00	0	2	4	18	45	35	7	1	0	1	0	0	0	0	113	29	33
17:00	0	1	2	17	20	10	0	0	0	0	0	0	0	0	50	27	31
18:00	1	2	2	35	29	5	1	0	0	0	0	0	0	0	75	25	29
19:00	0	0	2	18	17	6	3	0	0	0	0	0	0	0	46	27	31
20:00	0	1	5	15	11	4	0	1	0	0	0	0	0	0	37	25	29
21:00	0	0	3	16	11	2	0	0	0	0	0	0	0	0	32	25	28
22:00	0	2	3	8	7	3	0	0	0	0	0	0	0	0	23	24	29
23:00	0	0	1	8	7	2	0	0	0	0	0	0	0	0	18	26	29
Total	1	26	85	263	364	221	47	3	0	1	0	0	0	0	1011		
Percent	0.1%	2.6%	8.4%	26.0%	36.0%	21.9%	4.6%	0.3%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%			
AM Peak		10:00	10:00	08:00	08:00	08:00	08:00								08:00		
Vol.		4	9	15	32	22	7								82		
PM Peak	18:00	13:00	14:00	18:00	16:00	16:00	15:00	12:00		16:00					16:00		
Vol.	11	6	12	35	45	35	9	11		1_					113		
Total	1	26	85	263	364	221	47	3	0	1	0	0	0	0	1011		
Percent	0.1%	2.6%	8.4%	26.0%	36.0%	21.9%	4.6%	0.3%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%			

15th Percentile: 20 MPH 50th Percentile: 26 MPH 85th Percentile: 32 MPH 95th Percentile: 35 MPH

Stats 10 MPH Pace Speed: 21-30 MPH Number in Pace: 627

Percent in Pace : 62.0%

Number of Vehicles > 25 MPH : 636

Percent of Vehicles > 25 MPH : 62.9%

Mean Speed(Average): 27 MPH



#### City Council Agenda Report

**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Dave Richards, Deputy Director of Public Works - Operations

SUBJECT: Third Amendment to Management Agreement with Live Nation – Incentive Bonus

#### **RECOMMENDATION:**

That the City Council authorizes the City Manager to execute the Third Amendment to the Management Agreement between the City and Live Nation Worldwide, Inc.

#### **BACKGROUND:**

The purpose of this agenda item is to consider a Third Amendment to the Management Agreement between the City and Live Nation Worldwide, Inc. (Live Nation). Prior to presenting the proposed amendment, staff provides a brief history of The Magnolia's operation.

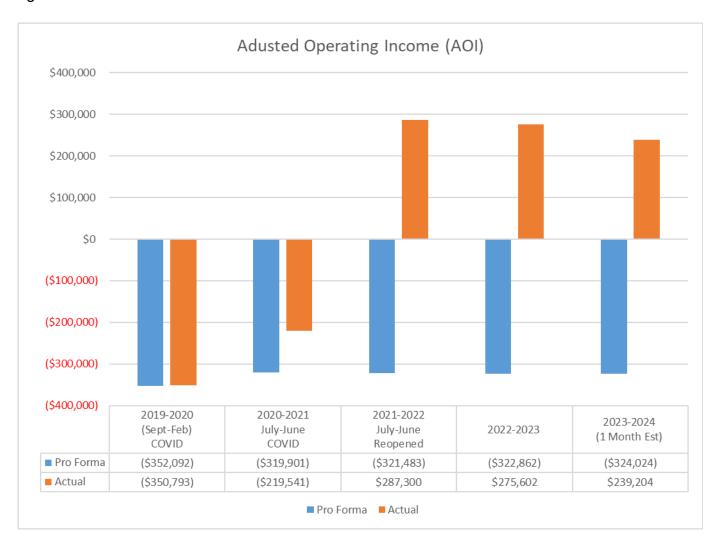
The Magnolia (previously named the East County Performing Arts Center or ECPAC) closed its doors in 2009 due to the Great Recession and the cost to operate the facility. Prior to its closure, ECPAC had operated under several management models. Just prior to its closing, ECPAC cost the City approximately \$600,000 annually to operate.

In 2005, the City entered a management agreement with Art Beat Management, a subsidiary of the Christian Youth Theater, to operate ECPAC. The agreement included a target for Art Beat to provide the theater with ten headliner acts per year. The agreement was amended shortly after to exclude the target due to Art Beat citing the cost of attracting headliner acts and the inability to compete with local casino concert ticket prices as barriers to them achieving the target.

In February 2018, the City entered into a five-year Management Agreement with Live Nation to manage and operate The Magnolia, the City-owned 1,200-seat live entertainment venue, on behalf of the City. In March of 2023, the agreement was extended by two-years to account for the nearly two-year period in which the theater was closed due to COVID-19. The contract term was extended to August 31, 2026. All other terms of the agreement, including the two options to extend for an additional five-year periods, remained unchanged.

The current Management Agreement with Live Nation provides for an annual Management Fee of \$375,000. The original contract did not include an adjustment provision to the management fee to reflect inflation. The current agreement also defines an Incentive Bonus based on The Magnolia's financial performance. To be eligible for the bonus, Live Nation must perform better than the Pro Forma Adjusted Operating Income (AOI). The AOI is equal to show revenue minus show expenses and fixed expenses. The Pro Forma is a five-year financial forecast for the facility's operations.

This graph shows the contract Pro Forma AOI since The Magnolia opened and the Actual AOI. The graph shows that Actual AOI have exceeded Pro Forma AOI since the first year of the agreement.



The current Incentive Bonus provides that the City share with Live Nation 30% of every dollar over the agreement's Pro Forma AOI and 50% for every dollar over the break even point, which is when The Magnolia's AOI exceeds the \$0 threshold. Per the agreement, since 2019, the City is due to share with Live Nation a total of \$722,115.52 (\$321,062.40 at the 30% threshold and \$401,053.12 at the 50% rate). This comes out to be approximately \$144,400 in shared revenue per year over the five-year period. However, this money has not been paid to Live Nation. The proposed amendment to the Incentive Bonus clarifies the bonus threshold and would apply retroactively, reducing the City's profit sharing balance with Live Nation to \$0.

Given the financial impact of the current contract to the City, it is prudent to re-visit the arrangement and find a financially suitable solution for both the City of El Cajon and Live Nation to preserve the longevity of the partnership.

The City and Live Nation have negotiated a proposed modification to the original agreement to change the Incentive Bonus and Management Fee Structure. Under the suggested change, Live Nation would become eligible for the Incentive Bonus after the Break Even Point, under the new definition of AOI, which now includes the Management Fee. Therefore, the City would not share any part of the Incentive Bonus with Live Nation until the City achieves a profit. After the Breakeven Point, the City would share a 50% Incentive Bonus with Live Nation. If the City

Council adopts the proposed amendment, the prior balance owed to Live Nation would be adjusted to the new Breakeven Point and nothing would be owed for prior years.

In exchange, Live Nation requested an adjustment to the management fee to reflect the rising costs of inflation. The change would increase the annual Management fee by roughly 6.5% bringing the annual cost fee to \$400,000 at the start of the next fiscal year with an ongoing annual adjustment of 3 percent.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed action is not subject to the California Environmental Quality Act ("CEQA"). In accordance with State CEQA Guidelines section 15378(b)(2), it is a continuing governmental administrative activity.

### FISCAL IMPACT:

The current Management Agreement with Live Nation provides for an annual Management Fee of \$375,000. The proposed increase to \$400,000 represents a \$25,000 increase to the Magnolia's Other Professional Services Account (241600-8395) in FY 24-25, and an additional \$12,000 in FY 25-26.

Amending the Incentive Bonus will change the City's profit sharing threshold with Live Nation by \$747,272.89 to-date, and an estimated \$240,000 each year for the remaining two-years of the contract for a net savings of \$1,227,272.89. When combined with the management fee increase, the net savings to the City for the proposed amendment is \$1,165,272.89 over the remaining two years of contract.

Prepared By: David Richards, Deputy Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

**Attachments** 

Third Amendment to Management Agreement with Live Nation

### THIRD AMENDMENT TO MANAGEMENT AGREEMENT

THIS THIRD AMENDMENT TO MANAGEMENT AGREEMENT (the "Amendment") is made as of \_\_\_\_\_\_\_, 2024 (the "Effective Date"), by and between the CITY OF EL CAJON, a charter city and municipal corporation ("Owner") and LIVE NATION WORLDWIDE, INC., a Delaware corporation ("Manager").

WHEREAS, Owner and Manager entered into that certain Management Agreement for the East County Performing Arts Center dated February 2018 (as amended by that certain First Amendment to Management Agreement for the East County Performing Arts Center, dated as of March 25, 2019, and that certain Second Amendment to Management Agreement dated as of March 7, 2023, the "Original Agreement"), pursuant to which Manager performs various management services for Owner relating to that certain performance venue commonly known as The Magnolia located at 210 E. Main Street, El Cajon, California (the "Premises"); and

**WHEREAS,** Owner and Manager desire to modify certain financial terms of the Original Agreement as more fully set forth herein, in order to benefit both parties.

**NOW, THEREFORE,** in consideration of the foregoing premises, the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Manager, intending to be legally bound, hereby agree as follows:

- 1. **Incorporation of Recitals; Definitions.** The foregoing recitals are hereby incorporated herein and made a part hereof by this reference. All capitalized terms in this Amendment shall have the meanings assigned thereto in the Original Agreement unless otherwise specified. As used herein and in the Original Agreement, the term "<u>Agreement</u>" shall mean the Original Agreement as modified by this Amendment.
- 2. **Incentive Bonus Eligibility**. Section 3.6 of the Original Agreement is hereby amended and restated in its entirety as follows:

Manager shall be eligible for an incentive bonus in each fiscal year for every dollar of operating revenues arising from the Premises in excess of the "Breakeven Point." For purposes hereof, the "Breakeven Point" shall mean an amount equal to (a) "Operating Revenues" (as defined in Section 8.4(b)) for the Premises in a fiscal year minus (b) the sum of (i) "Operating Expenses" (as defined in Section 8.4(c)) for the Premises in such fiscal year, plus (ii) the Management Fee paid to Manager for such fiscal year.

Prior to the start of each fiscal year on or before July 1, Manager and Owner shall agree on a Pro Forma Budget for the Premises and calculation of the Breakeven Point. As shall be shown in the Pro Forma, any costs incurred by Owner in satisfying its obligations under Section 3.4 (Core Shell Work) or Section 3.5 (FF&E Items) shall be the sole responsibility of Owner and shall not be included in the calculation of the Breakeven Point. Manager and Owner may agree on revisions to the Pro Forma at any time as they may mutually agree. For every dollar of Adjusted Operating Income (AOI) in any fiscal year beyond the Breakeven Point, Manager

shall receive fifty percent (50%) thereof as its incentive bonus under this section, and Owner shall receive the other fifty percent (50%) thereof.

3. **Management Fee.** The following sentence is hereby added at the end of Section 3.1 of the Original Agreement:

Notwithstanding any of the foregoing, commencing on July 1, 2024, the Management Fee shall increase to Four Hundred Thousand Dollars (\$400,000) per year, and shall increase three percent (3%) annually on July 1 of each year thereafter, including during the two Renewal Terms under Section 2.2, so long as Manager duly exercises its options on each of said Renewal Terms. As so increased, the Management Fee shall continue to be paid in equal monthly installments each year on the first day of each calendar month.

- 4. **Press Releases**. If desired by either party, Owner and Manager shall jointly prepare and mutually agree on any press releases and public announcements relating to this Amendment and will not issue any such releases and announcements without the approval of both parties.
- 5. **Ratification.** Except as expressly modified by this Amendment, all other terms, conditions and provisions of the Original Agreement are hereby ratified and confirmed and incorporated into this Amendment and shall continue in full force and effect.
- 6. **Broker.** Owner and Manager represent and warrant to the other that they have not employed any broker in connection with the subject matter of this Amendment. The parties agree to indemnify and hold each other harmless from and against any claims or costs (including, without limitation, reasonable attorneys' fees) arising out of or constituting a breach of the foregoing representations.
- 7. **Representations.** Each party hereby represents and warrants to the other that it has full power and authority to execute and deliver this Amendment, and has taken all action necessary to authorize its execution of and its performance of its obligations under this Amendment.
- 8. **Miscellaneous.** This Amendment (i) shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns (subject to the restrictions on assignment set forth in the Agreement), and (ii) shall be governed by and construed in accordance with the laws of the State of California without reference to its conflicts of laws provisions. This Amendment may be executed in multiple counterparts (which counterparts may be executed and delivered electronically by PDF, DocuSign, or another file sent by email) which shall together constitute a single document. Any executed counterpart of this Amendment delivered by PDF, DocuSign or another file sent by email shall be equally effective as an original counterpart for all purposes.

[Signatures follow on next page]

**IN WITNESS WHEREOF,** the parties hereto have executed this Amendment as of the Effective Date.

## MANAGER:

u D	elaware corporation
By:	M X · KIW (C)
Nar	ne: Michael Rowles
Titl	e: EVP, General Counsel and Secreta
ΩW	VNER:
01	VIVER.
CIT	ΓΥ OF EL CAJON,
	narter city and municipal corporation
By:	
Nar	ne:
Titl	e:
Att	ested to:
By:	
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**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Vince DiMaggio, Assistant City Manager

SUBJECT: Report on a Ballot Initiative to Amend Proposition 47 and a Review of

Various Related Legislative Bills

### **RECOMMENDATION:**

This is an informational item only. No action is required by the City Council.

### **BACKGROUND:**

Since the approval of Proposition 47, euphemistically titled "*The Safe Neighborhoods and Schools Act,*" in 2014, the state has seen a statistical explosion in retail theft and a burgeoning homeless population. This is largely due to raising the felony theft threshold of goods to \$950 (from \$400) and the reclassification of certain drug-related offenses to misdemeanors.

On June 11, Californians for Safer Communities qualified an initiative for the November 2024 ballot entitled, "*The Homeless, Drug Addiction, and Theft Reduction Act*," that would make certain fundamental changes to Proposition 47. This initiative was supported by many District Attorneys across the state, including San Diego County District Attorney Summer Stephan. The initiative would make the following changes to state law:

- The initiative would classify certain drug related offenses as "treatment-mandated felonies." Individuals with two or more drug-related convictions would be offered treatment and in exchange for successfully completing treatment, would have the felony charge dismissed. Currently, possession of illegal drugs is a misdemeanor.
- The initiative would add fentanyl to the list of drugs (cocaine, heroin, and methamphetamine) that would be charged as felonies if someone is found in possession of those drugs and a firearm. Currently, possession of fentanyl and a firearm is punishable as a misdemeanor with confinement in the county jail of not more than one year.
- For individuals with two or more prior theft convictions, the initiative would treat the third (or more) theft conviction as a felony even if the amount stolen is less than \$950 in value. Currently, theft convictions of property under \$950 is punishable by up to 6-months in jail. The initiative would make this punishable by up to three years in prison and increase sentences based on the criminal history of the individual.

Governor Newsom and the majority in the legislature have expressed opposition to any changes to Proposition 47, and also oppose any significant sentencing enhancements for drug or theft-related crimes. Nevertheless, through the Governor's office, the controlling party of the legislature has proposed a suite of twelve bills that are meant to address public frustration with the results caused by Proposition 47. Together, the twelve bills weave a legislative fabric into a

patchwork of short-term and largely symbolic bills meant to assuage a frustrated public, while avoiding substantive changes to Proposition 47. The bills are summarized below:

- AB 1779 Allows criminal theft charges to be consolidated and brought in any jurisdiction where the merchandise was stolen, received, found, or where the accused acted in relation to the merchandise.
- AB 1794 Allows retailers to submit details of alleged retail theft through an online portal.
- AB 1802 Removes the 2031 sunset provision on an existing organized retail theft statute.
- AB 1960 Creates sentencing enhancements, until 2030, for retail theft committed while in commission of a felony.
- AB 1972 Requires regional property crimes task forces to cooperate with railroad police and establishes cargo theft as a property crime.
- AB 2943 Makes it a crime to possess stolen property intended for sale or exchange, and not personal use, where the value exceeds \$950.
- AB 3209 Establishes a retail theft restraining order.
- SB 905 Makes forcible entry into a vehicle with the intent to commit theft a crime punishable by one year in jail.
- SB 982 Repeals the 2026 sunset date for an organized retail theft statute concerning two or more individuals.
- SB 1144 Prevents online marketplaces from listing or selling stolen goods.
- SB 1242 Creates an aggravating factor when setting a fire to enter a retail establishment for the purpose of committing theft.
- SB 1416 Creates a 2030 sunset on certain sentencing enhancements for retail theft.

At the urging of the Governor, the bills have been moved to the top of the legislative agenda and are proceeding rapidly through the committee process with the idea being to have the entire complement of bills approved before June 27. The legislature has also included a provision in each bill (referred to as the "poison pill") that if the *Homeless, Drug Addiction, and Theft Reduction* ballot measure passes in November, all twelve bills will become non-operative. As none of the twelve bills above have any direct or indirect legislative conflict with the ballot initiative, proponents of Proposition 47 reform claim that the inclusion of "poison pill" provision is a deliberate and overt display of political blackmail; essentially, the Governor and legislative majority are effectively saying if the voters amend Proposition 47, other bills designed to strengthen retail theft enforcement will become null and void.

Supporters of the *Homeless, Drug Addiction, and Theft Reduction* ballot measure claim that the Governor's effort is to compel the Californians for Safer Communities to remove the initiative from the ballot. The deadline to remove the ballot initiative is June 27.

Staff seeks direction from the City Council regarding any position the City may wish to take on this matter.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This is an informational item. Therefore, it is exempt from the California Environmental Quality Act ("CEQA") because it is not a "project" under section 15378(b)(5) of the State CEQA Guidelines. It is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment.

Prepared By: Vince DiMaggio, Assistant City Manager

Reviewed By:



**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Graham Mitchell, City Manager

**SUBJECT:** Summary of Town Hall Meetings Regarding Possible Sales Tax Measure

#### RECOMMENDATION:

That the City Council receive the report.

### **BACKGROUND:**

On April 23, 2024, after receiving a report regarding polling data for a possible sales tax measure that could be placed on the November 2024 ballot, the City Council directed staff to schedule several town hall meetings. While the polling data helped the City Council understand public interest from a quantitative perspective, the town halls would provide qualitative information for consideration.

The City hosted four town halls on the following dates, times, and locations:

- Thursday, June 13, 6:00 PM, Bostonia Recreation Center,
- Saturday, June 15, 1:00 PM, Ronald Reagan Community Center,
- Tuesday, June 18, 6:00 PM, Kennedy Recreation Center, and
- Thursday, June 20, 6:00 PM, Hillside Recreation Center.

During the town halls, staff provided an overview of the budget, focusing on General Fund revenues and expenditures. Staff also discussed the impact of the City's special sales tax (Prop J) on the General Fund and outlined the budgetary effects anticipated when the sales tax measure sunsets at the end of 2028. Also, as part of the town halls, residents participated in a budget activity to help the City Council understand priorities, activities/programs that could be cut when the sales tax measure expires, and other ideas. At each of the town halls, at least one Councilmember attended.

The intent of this agenda item is to provide a summary of the presentation provided to the public, address questions that were raised by residents, and provide other feedback to the City Council.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This is an informational item being reported to the City Council. Therefore, it is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b)(5) of CEQA Guidelines. It is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment.

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A Approved By: N/A



**DATE:** June 25, 2024

**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. This City Administrative Activity is not a project and therefore not subject to CEQA.

### **REPORT:**

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

June 13, 2024 - Measure J Town Hall at Bostonia Center

June 20, 2024 - Speak at Foothills Republican Women's Club

June 20, 2024 - Measure J Town Hall at Hillside Center

June 21, 2024 - SANDAG Regional Planning Committee Meeting

I am available to answer questions.

Submitted By: Bill Wells, Mayor



**DATE:** June 25, 2024

**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.

### 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. This City Administrative Activity is not a project and therefore not subject to CEQA.

### REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

June 7, 2024 - Emails with Josh F re: freeway noise

June 12, 2024 - EJE Academy event

June 13, 2024 - MTS Executive Committee Meeting

June 13, 2024 - Meeting with Asst City Manager re: sewer billing

June 17, 2024 - Sup. Anderson's Town Hall

June 18, 2024 - Chamber Gov't Affairs Committee Meeting

June 18, 2024 - Prop J Town Hall

June 19, 2024 - Lunch with Mark C. re: downtown El Cajon

June 20, 2024 - MTS Board of Directors Meeting

June 20, 2024 - East County Advanced Water Purification Board Meeting

June 24, 2024 - Meeting with City Manager

June 25, 2024 - Prop J Survey Ad Hoc Committee Meeting

June 25, 2024 - City Council Meeting(s)

I am available to answer questions.



**DATE:** June 25, 2024

**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. This City Administrative Activity is not a project and therefore not subject to CEQA.

#### REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

June 20, 2024 - Measure J Town Hall at Hillside Recreation Center June 25, 2024 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Councilmember



**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Councilmember Metschel

SUBJECT: COUNCILMEMBER MICHELLE METSCHEL

Harry Griffen Park Joint Steering Committee; METRO

Commission/Wastewater JPA – Alternate; 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. This City Administrative Activity is not a project and therefore not subject to CEQA.

## **REPORT:**

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

June 13, 2024 – Measure J Town Hall at Bostonia Recreation Center

June 17, 2024 – Supervisor Joel Anderson's Town Hall at Grossmont College

June 22, 2024 - Noah Homes Summerfest Fundraiser

June 25, 2024 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



**DATE:** June 25, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Deputy Mayor Ortiz

SUBJECT: DEPUTY MAYOR 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. This City Administrative Activity is not a project and therefore not subject to CEQA.

### REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

June 15, 2024 – Measure J Town Hall at RRCC

June 17, 2024 - Supervisor Anderson's Town Hall

June 20, 2024 – Business Roundtable Discussion

June 20, 2024 - Speak at ECPD Teen Academy

June 22, 2024 - Lincoln Reagan Dinner

June 25, 2024 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Deputy Mayor