



# City Council Participation



## 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](http://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 [acortez@elcajon.gov](mailto:acortez@elcajon.gov) 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 Accommodations

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.



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

Council Chamber  
200 Civic Center Way  
El Cajon, CA 92020

## Agenda

NOVEMBER 12, 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 October 22, 2024, Meeting and the Agenda of the November 12, 2024, Meeting in accordance to State Law and City Council/Housing Authority/Successor Agency to the Redevelopment Agency Policy.

**PRESENTATIONS:**

- Proclamation: IT Professionals and GIS Day

**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 October 22, 2024, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

RECOMMENDATION:

That the City Council approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title Only

RECOMMENDATION:

That the City Council approves the reading by title and waives the reading in full of all Ordinances on the Agenda.

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. 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.

6. National Recreation and Park Association Million Coaches Challenge Grant Acceptance

RECOMMENDATION:

That the City Council accepts, appropriates, and expends the grant agreement funding from the National Recreation & Park Association (NRPA) Million Coaches Challenge for Youth Sports Coaches and Volunteers.

7. Contract Amendments for El Cajon Transit Center Community Improvements and Main Street - Green Street Gateway Improvements Construction Management Services

**RECOMMENDATION:**

That the City Council adopts the next Resolutions, in order, to approve amendments to increase the Public Works Contracts for construction management services with Project Professionals Corporation (PPC) for a one-year term, for:

1. El Cajon Transit Center Community Improvements (TCC) in the amount of \$102,030; and
2. Main Street - Green Street Gateway Improvements (MSGS) in the amount of \$120,606.

8. Award of Bid No. 018-25 – ADA Concrete Improvements 2025

**RECOMMENDATION:**

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

1. Approve the Plans and Specifications for ADA Concrete Improvements 2025, Bid No. 018-25; and
2. (a) Find the low bidder non-responsive for the reason set forth in this agenda report; and (b) Award the bid to the lowest responsive, responsible bidder, Quality Construction & Engineering, Inc., in the not-to-exceed amount of \$889,775, with the option to renew for four additional one-year periods.

9. Rejection of Bid No. 017-25 – Unmanned Aircraft Systems (Drones)

**RECOMMENDATION:**

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

1. Find the first and second low bidders non-responsive for the reasons set forth in the agenda report; and
2. Reject all bids.

10. Contract Amendment for Bid No. 025-24 – Fiber Broadband Project

**RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, to increase compensation and working days for the Fiber Broadband Project Public Works contract with Baker Electric & Renewables, LLC (Baker) in the not-to-exceed amount of \$285,352.23.

**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:**

11. Public Hearing for Underground Utility District # 29 - S. Johnson Avenue

#### **RECOMMENDATION:**

That the City Council adopts the next Resolution, in order, to create a new Underground Utility District (UUD) # 29 on South Johnson Avenue from West Main Street to El Cajon Blvd.

### **ADMINISTRATIVE REPORTS:**

12. City Council Action Plan (2024) Update

#### **RECOMMENDATION:**

That the City Council receives the update and provides feedback.

13. Consider Amending Chapter 6 of the Municipal Code Pertaining to Dogs in the Superblock Area.

#### **RECOMMENDATION:**

Staff recommends that the City Council provide direction on a possible Municipal Code amendment. If an amendment is desired, to remove the prohibition on dogs in the Superblock area, a proposed ordinance to repeal section 6.12.150 in its entirety is available for first reading and introduction in the "First Reading of Ordinances" section of this agenda.

### **COMMISSION REPORTS:**

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

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

14. Council Activity Report

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

15. **COUNCILMEMBER STEVE GOBLE**

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

16. **COUNCILMEMBER GARY KENDRICK**

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

17. **COUNCILMEMBER MICHELLE METSCHEL**  
Harry Griffen Park Joint Steering Committee; METRO Commission/Wastewater JPA – Alternate; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.
18. **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**

19. Introduction of Ordinance to amend El Cajon Municipal Code Chapter 6.12 of Title 6 regarding dogs in the Superblock Area of El Cajon by repealing section 6.12.150

**RECOMMENDATION:**

That the City Council:

1. Moves to introduce the next Ordinance, in order, to repeal section 6.12.150 of Chapter 6.12 of Title 6 of the El Cajon Municipal Code;
2. Directs the City Clerk to read the Ordinance by title only; and
3. Directs the second reading of the Ordinance to be placed on the December 10, 2024 City Council agenda.

20. Introduction of Ordinance to Amend ECMC Chapter 8.32 – Regulation of Smoking and Secondhand Smoke in Certain Public Areas and Places of Employment, and Chapter 8.33 - Licensure of Tobacco Retailers

**RECOMMENDATION:**

That the City Council:

1. Moves to introduce the next Ordinance, in order;
2. Directs the City Clerk to read the Ordinance by title only; and
3. Directs the second reading of the Ordinance to be placed on the December 10, 2024 City Council agenda.

**ORDINANCES: SECOND READING AND ADOPTION**

## CLOSED SESSIONS:

21. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Anthony P. Crum v. City of El Cajon, and Does 1-20, inclusive; Superior Court of California, County of San Diego;  
Case No.: 24CU010745C
  
22. Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:  
  
Property:  
APN 487-331-22-00  
425 W. Main Street  
  
Negotiating Party:  
Jala, Inc.  
Hitesh C. Patel, CEO  
  
City Negotiators:  
City Manager  
Assistant City Manager  
City Attorney  
  
Under Negotiation:  
Price and terms of payment for acquisition of property
  
23. Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:  
  
Property:  
Parkway Plaza  
APN 482-270-56-00  
APN 482-270-35-00  
APN 482-270-42-00  
  
Negotiating Parties:  
Star-West Parkway Mall LP  
Penney Property Sub Holdings LLC  
Star-West Parkway Mall LP  
  
City Negotiators:  
City Manager  
Assistant City Manager  
City Attorney  
  
Under Negotiation:  
Price and terms of payment for acquisition of property

**ADJOURNMENT: The Regular Joint Meeting of the El Cajon City Council/El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 12th day of November 2024, is adjourned to Tuesday, December 10, 2024, at 3:00 p.m.**





City Council  
Agenda Report

Agenda Item 1.

**DATE:** November 12, 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

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**RECOMMENDATION:**

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the October 22, 2024, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

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Attachments

10-22-24DRAFTminutes - 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

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**October 22, 2024**

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, October 22, 2024, was called to order by Mayor/Chair Bill Wells at 3:02 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

#### ROLL CALL

Council/Agencymembers present:	Goble, Kendrick, and Metschel
Council/Agencymembers absent:	None
Deputy Mayor/Vice Chair absent:	Ortiz
Mayor/Chair present:	Wells
Other Officers present:	Mitchell, City Manager/Executive Director DiMaggio, Assistant City Manager Foley, City Attorney/General Counsel Cortez, City Clerk/Secretary

**PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Wells and MOMENT OF SILENCE.**

**POSTINGS:** The City Clerk posted Orders of Adjournment of the October 8, 2024, meeting and the Agenda of the October 22, 2024, meeting in accordance with State Law and El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

**PRESENTATIONS:** None

**AGENDA CHANGES:** None

**CONSENT ITEMS: (1 – 11)**

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

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

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

Approve Minutes of the October 8, 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. Continuation of Emergency for Storm Damage Repairs to Public Facilities

Adopt Resolution No. 156-24, proclaiming the Continuation of Emergency for Storm Damage Repairs to Public Facilities.

5. Continuation of Emergency for Sewer System Repairs

Adopt Resolution No. 157-24, proclaiming the Continuation of Emergency for Sewer System Repairs.

**CONSENT ITEMS: (Continued)**

6. Central Zone Radio Grant Acceptance and Cost Share Approval

Adopt Resolution No. 158-24, authorizing the City Manager or designee to accept El Cajon's share of the Central Zone Radio Grant for 23 radios, approve the expenditure of cost share funds in the amount of \$5,201, and to execute any documents and agreements necessary for receipt of the radios.

7. Authorization to Accept, Appropriate, and Expend the Energy Efficiency and Conservation Block Grant Program Funds

Adopt Resolution No. 159-24, to:

1. Authorize the City Manager, or designee, to execute any documents and agreements necessary to receive and use Energy Efficiency and Conservation Block Grant funds;
2. Accept, appropriate, and expend \$155,020 from the Energy Efficiency and Conservation Block Grant (EECBG25) program; and
3. Appropriate the \$155,020 of Energy Efficiency and Conservation Block Grant (EECBG25) funds to increase the Traffic Signals Upgrades 2025 Project (253853PWCP).

8. San Diego River Conservancy Direct Grant Program Funds for Broadway Creek Restoration Phase B

Adopt Resolution No. 160-24, to:

1. Authorize the City Manager, or designee, to execute the San Diego River Conservancy grant agreement and such other documents associated with this grant;
2. Accept, appropriate, and expend the \$2,000,000 San Diego River Conservancy Grant (SDRGB2202); and
3. Appropriate the \$2,000,000 San Diego River Conservancy Grant (SDRGB2202) and \$200,000 of existing Wastewater Enterprise Fund (650740) funding to increase the Broadway Creek Restoration Phase B Project (223756PWCP) by \$2,200,000.

9. Acceptance of the Neighborhood Streetlights 2022 Project (223742PWCP)

1. Accept the Neighborhood Streetlights 2022 Project (223742PWCP), Bid No. 011-23; and
2. Authorize the City Clerk to record a Notice of Completion and release bonds in accordance with the contract terms.

**CONSENT ITEMS: (Continued)**

10. 2024-2025 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant

1. Authorize the City Manager or his designee to accept the California Office of Traffic Safety STEP Grant in the amount of \$100,000 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriate and expend the California Office of Traffic Safety STEP Grant funds in the amount of \$83,049 for overtime, \$2,482 for training and travel, \$3,269 for supplies, and \$11,200 for a Lidar Device for a total grant award of \$100,000.

11. Initiation of Zoning Code Amendments to Align with Recently Adopted State Laws, and Clarifications and Refinements to Existing Regulations

In accordance with El Cajon Municipal Code section 17.20.020(D), initiate an amendment of Title 17 (Zoning Code).

**PUBLIC COMMENT:**

Brenda Hammond spoke about 'pop-up' church events.

**WRITTEN COMMUNICATIONS:** None

**PUBLIC HEARINGS:** None

**ADMINISTRATIVE REPORTS:**

12. Reallocation of American Recovery Program Act Funds and Grant Agreements with the Chaldean Community Council, the Newcomers Support & Development, and the Downtown El Cajon Business Partners, Inc.

**RECOMMENDATION:**

That the City Council:

1. Adopts the next Resolution, in order, approving a grant agreement for an amount not to exceed \$609,950 with the Chaldean Community Council for tenant improvements at 405 East Lexington Avenue;

## ADMINISTRATIVE REPORTS: (Item 12 – Continued)

2. Adopts the next Resolution, in order, approving a grant agreement for an amount not to exceed \$150,000 with Newcomers Support & Development;
3. Adopts the next Resolution, in order, approving a grant agreement for a minimum of \$300,000 with the Downtown El Cajon Business Partners for capital improvements to the downtown area; and
4. Accepts the proposed ARPA adjustments as follows:
  - Re-allocate \$5,771 from Emergency Wells Park Restroom Repairs (ARP18) to ARP25: “Downtown Public Space Enhancements”;
  - Re-allocate \$609,950 from Economic Development (ARP08) to ARP20: “Small Business Incubator”;
  - Re-allocate \$150,000 from ARP08 to ARP24: “Newcomers Support & Development”;
  - Re-allocate the residual ARP08 funds to ARP25: “Downtown Public Space Enhancements”; and
  - Re-allocate \$68,000 from APR08 to ARP26: Fire Station Wellness.

### DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Funds not spent can only be used for existing projects; and
- New contractors can be obtained, but again, only for approved projects.

Mohammed Tuama, representing the Newcomers Support and Development group, spoke in support of the proposed grant agreement.

**MOTION BY KENDRICK, SECOND BY METSCHEL, to ADOPT Resolution No. 161-24 to approve a grant agreement for an amount not to exceed \$609,950 with the Chaldean Community Council for tenant improvements at 405 East Lexington Avenue.**

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

**MOTION BY METSCHEL, SECOND BY KENDRICK, to ADOPT Resolution No. 162-24 to approve a grant agreement for an amount not to exceed \$150,000 with Newcomers Support & Development.**

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

**ADMINISTRATIVE REPORTS: (Item 12 – Continued)**

**MOTION BY GOBLE, SECOND BY METSCHEL, to ADOPT Resolution No. 163-24 to approve a grant agreement for a minimum of \$300,000 with the Downtown El Cajon Business Partners for capital improvements to the downtown area.**

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

**MOTION BY GOBLE, SECOND BY METSCHEL, to RE-ALLOCATE \$5,771 from Emergency Wells Park Restroom Repairs (ARP18) to ARP25: “Downtown Public Space Enhancements”; Re-allocate \$609,950 from Economic Development (ARP08) to ARP20: “Small Business Incubator”; Re-allocate \$150,000 from ARP08 to ARP24: “Newcomers Support & Development”; Re-allocate the residual ARP08 funds to ARP25: “Downtown Public Space Enhancements”; and Re-allocate \$68,000 from APR08 to ARP26: Fire Station Wellness.**

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

13. Summary of the 2024 State Legislative Session

**RECOMMENDATION:**

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

**DISCUSSION**

Assistant City Manager DiMaggio provided detailed information of the Item.

Discussion ensued among Council and Staff regarding the possibility of not participating in the League of CA Cities in the future.

No public comments were received for the Item.

**This was an informational Item only, no Motion is required.**

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## ADMINISTRATIVE REPORTS: (Continued)

14. Annual Report from the Downtown El Cajon Business Partners and Property-Based Improvement District (PBID) Considerations

### RECOMMENDATION:

That the City Council:

1. Considers receiving the 2024 Annual Report from the Downtown El Cajon Business Partners;
2. Receives an update on progress made towards recommendations from the New City America report from February 13, 2024; and
3. Provides feedback on possible action related to the Property-Based Improvement District (PBID).

### DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Changes to the revenue from assessments;
- Consideration to not renewing the PBID;
- Changing the management structure of the PBID;
- Considering another venue in the city for the car show;
- Expanding the boundaries of the PBID;
- Adding more restaurants to the downtown area;
- Local businesses expressed dissatisfaction with the weekly car show, as it affects their clients negatively;
- Request for a workshop to discuss options for the PBID;
- Advertisement for the car shows needs to be more enticing; and
- Concern for how the management of the car show is operated.

Cathy Zeman spoke about educating the local shop owners to discuss how to take advantage of the influx of patrons attending the car shows. Ms. Zeman spoke in support of adding more restaurants to the downtown area, and does not support bringing in a different management group, as it would take power away from the local businesses.

**No Motion was given for the Item.**

15. Mayor and City Council Cafeteria Benefits Review

### RECOMMENDATION:

That the City Council adopts the next Resolution, in order, adjusting the cafeteria benefit allotment from \$1,450 per month to \$1,550 per month, effective January 2025, for Mayor and City Councilmembers.



**ADMINISTRATIVE REPORTS: (Item 15 - Continued)**

**DISCUSSION**

Human Resources Director, Marisol Thorn, provided detailed information of the Item.

No public comments were received for the Item.

**MOTION BY WELLS, SECOND BY KENDRICK, to ADOPT Resolution No. 164-24 to adjust the cafeteria benefit allotment from \$1,450 per month to \$1,550 per month, effective January 2025, for Mayor and City Councilmembers.**

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

**COMMISSION REPORTS:** None

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

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

16. Council Activities Report/Comments

Report as submitted.

**ACTIVITIES REPORTS OF COUNCILMEMBERS:**

17. COUNCILMEMBER STEVE GOBLE

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

Council Activities Report/Comments.

Report as submitted.

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**ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)**

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

Council Activities Report/Comments.

Report as submitted.

19. 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.

In addition to the submitted report, Councilmember Metschel spoke about upcoming improvements to the Harry Griffen Park, and expectations for the City to make financial contributions.

An Item will be added to a future agenda to discuss the City's role in the Joint Steering Committee.

20. 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.

Report as submitted.

**JOINT COUNCILMEMBER REPORTS:** None

**GENERAL INFORMATION ITEMS FOR DISCUSSION:** None

**ORDINANCES: FIRST READING -** None

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

**CLOSED SESSIONS:**

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

21. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Robert Farren v. City of El Cajon; WC Claim No. 24000956
22. Closed Session - Public Employee Performance Evaluation: City Manager

**MOTION BY WELLS, SECOND BY METSCHEL, to ADJOURN to Closed Session at 4:47 p.m.**

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

RECONVENED to Open Session at 5:00 p.m.

City Attorney Foley reported the following actions:

21. Direction given to Workers Comp Group.
22. No reportable action taken.

**Adjournment: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 22<sup>nd</sup> day of October, 2024, at 5:01 p.m., to Tuesday, November 12, 2024, at 3:00 p.m.**

\_\_\_\_\_  
ANGELA L. CORTEZ, CMC  
City Clerk/Secretary



## City Council Agenda Report

**Agenda Item 4.**

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Yazmin Arellano, Director of Engineering Services  
**SUBJECT:** Continuation of Emergency for Storm Damage Repairs to Public Facilities

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### 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 the 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 was \$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 was \$262,656. Kleinfelder performed 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 allowed Kleinfelder to specify the type, length, and spacing/layout of the rock anchors for the rock netting mitigation system. Geotechnical engineering design and inspection work is estimated to cost \$225,000. Kleinfelder completed the design of the catchment structure, and Montano Pipeline is currently installing the catchment structure at an approximate cost of \$607,360.

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. Surveying work is estimated to cost \$15,000.

The completion of this project is estimated to be toward the end of November 2024.

### **Wells Park Baseball Dugouts - COMPLETED**

The Wells Park dugout roofs on the baseball fields collapsed during the storm due to heavy rain and moisture. Staff coordinated the structural design and replacement of both structures with MJC Construction. The contractor completed the demolition of both structures. Both structures were pushed out to avoid new conflicts with an existing water line. The cost to replace both structures at the new location was \$53,687.

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.

In June 2024, the City received three letters of approval from Cal OES, approving the 75% reimbursement for the completed work on the stormwater channels, collapsed trees, the purchase of sand/sandbags, and an administration allowance. Staff submitted the reimbursement request for the dugouts on August 28, 2024. Staff will submit the pending reimbursement request after the slope repair work is completed.

### **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:**

Sufficient funds are available in the Fiscal Year 2024-25 budget in Wastewater Maintenance (650720) and Wastewater NPDES (650740) for the remaining anticipated repair costs of \$900,000. The expected total cost for this emergency is approximately \$1,325,000.

Prepared By: Yazmin Arellano, Engineering Services Department Director

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

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## 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, the repairs to the channel bottom of Forester Creek, and the Wells Park baseball dugouts have been completed, 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; on June 11, 2024, by Resolution No. 080-24; on June 25, 2024 by Resolution No. 089-24; on July 9, 2024 by Resolution No. 102-24; on July 23, 2024, by Resolution No. 107-24; on August 13, 2024 by Resolution No. 117-24; on September 10, 2024 by Resolution No. 136-24; on September 24, 2024 by Resolution No. 146-24; on October 8, 2024 by Resolution No. 152-24; and on October 22, 2024 by Resolution No. 156-24.

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.

11/12/24 CC Agenda  
Reso - Proclaiming Emergency Continuation #16 for Storm Damage Repairs 102924





## City Council Agenda Report

**Agenda Item 5.**

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Yazmin Arellano, Director of Engineering Services  
**SUBJECT:** Continuation of Emergency for Sewer System Repairs

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### 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. On June 25, 2024, the City Council proclaimed the continuation of emergency repairs to the sewer system with Resolution No. 093-24.

The following is an overview of actions taken and next steps:

City staff immediately contracted with A1 Total Service Plumbing (A1) upon the Declaration of Emergency. A1'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. During the liner removal operation, A1's equipment was compromised by a partial collapse of pipe and soil on the northern portion of the pipe closer to Lloyd Street, impeding the rehabilitation of the existing sewer pipeline. A1's approximate cost was \$1,060,000, and it included around-the-clock sewer bypass operations until June 29, 2024.

Staff coordinated with Caltrans, Ardurra Engineering, and Rove Engineering Construction Company (Rove) for the installation of a parallel sewer pipeline across Interstate 8. Ardurra Engineering's support services proposal was \$65,000, and Rove's proposal was \$1,972,491 to bore a steel-encased sewer pipeline within Caltrans' right-of-way and provide 24-hour sewer and stormwater bypass services.

The contractor completed the installation of the new steel-encased sewer pipeline across Interstate 8. The pipe is now active, and all bypass equipment and traffic control have been removed from City streets. The contractor abandoned the existing collapsed sewer pipeline. Caltrans approved the pipe abandonment methods, as most of this pipeline is located within

Caltrans' right of way. Pipe abandonment methods included filling the existing pipeline with a slurry cement mix and injecting compaction grout at void locations. The contractor's proposal did not include the pipe abandonment and compaction grout injection required by the Caltrans permit. All work was completed on October 31, 2024, requiring two separate closures of two freeway onramps and one travel lane along I-8. The first closure lasted 56 hours for the compaction grout injection, and the second closure occurred overnight to complete the ramp striping. Staff is working with the contractor to obtain final invoices to prepare a Council staff report to pass a resolution to end 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:**

Sufficient funds are available in the Fiscal Year 2024-25 budget in Wastewater Maintenance (650720) for the remaining anticipated repair costs of \$2,550,000. The expected total cost for this emergency is approximately \$3,610,000.

Prepared By: Yazmin Arellano, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

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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 contacted A1 Total Service Plumbing ("A1") to assess the damage, and it was determined that the sewer pipe running north up Graves Avenue from Beech Street to Lloyd Street, passing under Interstate 8, had failed; and

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

WHEREAS, while the sewer system repairs remain ongoing, 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. 087-24; on June 25, 2024, by Resolution No. 093-24; on July 9, 2024 by Resolution No. 103-24; on July 23, 2024 by Resolution No. 108-24, on August 13, 2024 by Resolution No. 118-24; on September 10, 2024 by Resolution No. 137-24; on September 24, 2024 by Resolution No. 147-24, on October 8, 2024 by Resolution No. 153-24 and on October 22 by Resolution No. 157-24.

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. 087-24, the City Council approved an exemption from further environmental review under section 15269(b) (Emergency Projects) of California Environmental Quality Act 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.

11/12/24 CC Agenda  
Reso - Proclaiming Emergency Continuation #8 for Sewer System Repairs 102924



City Council  
Agenda Report

Agenda Item 6.

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Adam Tronerud, Director of Parks & Recreation  
**SUBJECT:** National Recreation and Park Association Million Coaches Challenge Grant Acceptance

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**RECOMMENDATION:**

That the City Council accepts, appropriates, and expends the grant agreement funding from the National Recreation & Park Association (NRPA) Million Coaches Challenge for Youth Sports Coaches and Volunteers.

**BACKGROUND:**

The National Recreation & Park Association (NRPA) has awarded the City of El Cajon Parks & Recreation Department \$2,500 to provide training to staff, coaches, and volunteers working with youth in partnership with Positive Coaching Alliance. Through the Million Coaches Challenge, NRPA is partnering with leading national training providers to ensure park and recreation agencies have access to no-cost, high-quality training programs through July 31, 2025. Staff recommends using the funds to train City staff that serve as recreation coaches and then make training available to coaches associated with the leagues that participate on the City's Recreation Council. The primary location of these services would be on-line.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The acceptance, appropriation and expenditure of grant funds for training purposes is not subject to the California Environmental Quality Act ("CEQA"). It is exempt pursuant to State CEQA Guidelines sections 15321(b) and 15378(b)(5).

**FISCAL IMPACT:**

Grant funding in the amount of \$2,500 will be deposited in the Recreation Grant Fund (245680 Project COACHTRAIN) and expenditures will be taken from that same account. Additionally, appropriations will be increased accordingly for this account. The grant funding will pay for all staff time to attend training.

Prepared By: Heather Carter, Parks and Recreation Manager  
Reviewed By: Adam Tronerud, Director of Parks & Recreation  
Approved By: Graham Mitchell, City Manager

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## City Council Agenda Report

Agenda Item 7.

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Mara Romano, Purchasing Agent  
**SUBJECT:** Contract Amendments for El Cajon Transit Center Community Improvements and Main Street - Green Street Gateway Improvements Construction Management Services

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### RECOMMENDATION:

That the City Council adopts the next Resolutions, in order, to approve amendments to increase the Public Works Contracts for construction management services with Project Professionals Corporation (PPC) for a one-year term, for:

1. El Cajon Transit Center Community Improvements (TCC) in the amount of \$102,030; and
2. Main Street - Green Street Gateway Improvements (MSGS) in the amount of \$120,606.

### BACKGROUND:

The TCC and the MSGS projects aim to create visually unified street spaces and a welcoming image, making it easier to travel by foot, bicycle, and public transportation in the El Cajon Transit Specific Plan area.

On July 26, 2022, the City Council authorized the City Manager to enter into agreements for construction management services with PPC to provide plans and specifications review, construction management, and inspection services funded by SANDAG Smart Growth Incentive Program funds.

On March 26, 2024, the City Council authorized the City Manager to execute an amendment to the TCC agreement in the not-to-exceed amount of \$135,801.51 through September 2024.

Construction of El Cajon Boulevard Streetscape (aka TCC) is projected to continue through December of this year. The construction phase began in February 2023 and was originally targeted for completion by March 2024. Accordingly, the agreement was extended by first amendment to the agreement. Staff is requesting an increase in compensation to PPC in the amount of \$102,030, which will address additional time required for construction management and inspection services.

Additionally, construction of MSGS is projected to continue through December of this year. The construction phase began in July 2023 and was originally targeted for completion by April 2024. Staff is requesting an increase in compensation to PPC in the amount of \$120,606, which will address additional time required for inspection services.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The City Council approved the El Cajon Boulevard Streetscape Project on July 26, 2022, and the Main Street - Green Street Gateway Project on October 11, 2022, each in accordance with the El Cajon Transit District Specific Plan Final Program EIR (SCH No. 2017041047). The proposed increase in project management funding does not require further CEQA review.

**FISCAL IMPACT:**

Approval of the \$102,030 increase will supplement the TCC contract, for a total not-to-exceed amount of \$557,035.51. Sufficient TransNet funds are available in Fiscal Year 2024-25 Annual Budget: El Cajon Transit Center Community Improvements (203690PWCP).

Approval of the \$120,606 increase will supplement the MSGS contract, for a total not-to-exceed amount of \$284,938. Sufficient TransNet funds are available in Fiscal Year 2024-25 Annual Budget: Main Street – Green Street Gateway Improvements (203691PWCP).

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Yazmin Arellano, Director of Engineering Services

Approved By: Graham Mitchell, City Manager

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**Attachments**

Reso - El Cajon Transit Center

Reso - Main Street-Green Street

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON  
APPROVING AMENDMENT OF A PUBLIC WORKS CONTRACT  
FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE  
EL CAJON TRANSIT CENTER COMMUNITY IMPROVEMENTS PROJECT

WHEREAS, on July 26, 2022, the City Council authorized the City Manager to enter into a public works contract for construction management services with Project Professionals Corporation to provide plans and specifications review, construction management, and inspection services in the not-to-exceed amount of \$319,204.00 (the "Contract") for the El Cajon Transit Center Community Improvements project (the "Project") in order to create visually unified street spaces and a welcoming image, making it easier to travel by foot, bicycle, and public transportation in the El Cajon Transit Specific Plan area; and

WHEREAS, the Project is funded by the SANDAG Smart Growth Incentive Program grant funds; and

WHEREAS, construction of the Project began in February 2023, and was originally targeted for completion by March 2024; and

WHEREAS, on March 26, 2024, the City Council approved an amendment to the Contract to provide additional compensation of \$135,801.51 for the Project, through September 2024; and

WHEREAS, due to additional time necessary for construction management and inspection services, the Project is now anticipated to be completed in December 2024; and

WHEREAS, staff is requesting an increase in the amount of \$102,030.00, for a total not-to-exceed amount of \$557,035.51, and sufficient funds are available in Fiscal Year 2024-25 Annual Budget: El Cajon Transit Center Community Improvements (203690PWCP); and

WHEREAS, the City Council approved the El Cajon Boulevard Streetscape Project on July 26, 2022, in accordance with the El Cajon Transit District Specific Plan Final Program EIR (SCH No. 2017041047), and the proposed increase in project management funding does not require further California Environmental Quality Act ("CEQA") review; and

WHEREAS, the City Council believes it to be in the City's best interest to extend the term of the Contract through December 31, 2024, and approve additional compensation in the amount of \$102,030.00 for the Project, for a total not-to-exceed amount of \$557,035.51.



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

1. The above recitals are true and correct, and are the findings of the City Council.

2. The City Council hereby determines that the Project does not require further CEQA review as it was previously approved the El Cajon Boulevard Streetscape Project on July 26, 2022, in accordance with the El Cajon Transit District Specific Plan Final Program EIR (SCH No. 2017041047).

3. The City Council hereby approves amendment of the Contract to extend the Contract through December 31, 2024, and to provide additional compensation of \$102,030.00 for the Project, as requested by staff, for a total not-to-exceed amount of \$557,035.51.

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

11/12/24 CC Agenda

Reso – Amend #2 Project Professionals Corp Contract (EC Transit Ctr Comm Imprvmts) 110524

RESOLUTION NO. \_\_\_-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON  
APPROVING AMENDMENT OF A PUBLIC WORKS CONTRACT  
FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE  
MAIN STREET – GREEN STREET GATEWAY IMPROVEMENTS PROJECT

WHEREAS, on July 26, 2022, the City Council authorized the City Manager to enter into a public works contract for construction management services with Project Professionals Corporation to provide plans and specifications review, construction management, and inspection services in the not-to-exceed amount of \$164,332.00 (the "Contract") for the Main Street – Green Street Gateway Improvements project (the "Project") in order to create visually unified street spaces and a welcoming image, making it easier to travel by foot, bicycle, and public transportation in the El Cajon Transit Specific Plan area; and

WHEREAS, the Project is funded by the SANDAG Smart Growth Incentive Program grant funds; and

WHEREAS, construction of the Project began in July 2023, and was originally targeted for completion by April 2024; and

WHEREAS, due to additional time necessary for inspection services, the Project completion date is now anticipated to be in December 2024; and

WHEREAS, staff is requesting an increase in the amount of \$120,060.00, for a total not-to-exceed amount of \$284,938.00, and sufficient funds are available in Fiscal Year 2024-25 Annual Budget: Main Street – Green Street Gateway Improvements (203691PWCP); and

WHEREAS, the City Council approved the El Cajon Boulevard Streetscape Project on July 26, 2022, in accordance with the El Cajon Transit District Specific Plan Final Program EIR (SCH No. 2017041047), and the proposed increase in project management funding does not require further California Environmental Quality Act ("CEQA") review; and

WHEREAS, the City Council believes it to be in the City's best interest to extend the term of the Contract through December 31, 2024, and approve additional compensation in the amount of \$120,606.00 for the Project, for a total not-to-exceed amount of \$284,938.00.

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

1. The above recitals are true and correct, and are the findings of the City Council.
2. The City Council hereby determines that the Project does not require further CEQA review as it was previously approved the El Cajon Boulevard Streetscape Project

on July 26, 2022, in accordance with the El Cajon Transit District Specific Plan Final Program EIR (SCH No. 2017041047).

3. The City Council hereby approves amendment of the Contract to extend the term of the Contract through December 31, 2024, and to provide additional compensation of \$120,606.00 for the Project, as requested by staff, for a total not-to-exceed amount of \$284,938.00.

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

11/12/24 CC Agenda

Reso – Amend Project Professionals Corp Contract (Main St-Green St Gateway Impvmts) 110524



City Council  
Agenda Report

Agenda Item 8.

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Mara Romano, Purchasing Agent  
**SUBJECT:** Award of Bid No. 018-25 – ADA Concrete Improvements 2025

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**RECOMMENDATION:**

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

1. Approve the Plans and Specifications for ADA Concrete Improvements 2025, Bid No. 018-25; and
2. (a) Find the low bidder non-responsive for the reason set forth in this agenda report; and  
(b) Award the bid to the lowest responsive, responsible bidder, Quality Construction & Engineering, Inc., in the not-to-exceed amount of \$889,775, with the option to renew for four additional one-year periods.

**BACKGROUND:**

The ADA Concrete Improvements 2025 includes pedestrian curb ramps, sidewalks, curbs, gutters, cross gutters, and other concrete improvements. The bid includes an opportunity for the City to renew the contract for up to four optional one-year terms.

The bid was advertised on September 6, 2024. The City received nine responses on October 8, 2024, and the top five lowest responses were evaluated. A bid summary is attached, and proposals are on file in the Purchasing Division.

Bid bonds are required to have the principal's original signature as it binds the contractor to their bid and is in accordance with California Code of Regulations 11 CCR § 50.10, as adopted by the State of California, Department of Insurance. The bid bond submitted by the apparent low bidder, RAC Construction & Engineering, Inc., was not signed by the bidder, making its bid non-responsive.

Staff recommends the City Council adopt resolutions to:

- (1) Approve the plans and specifications for the project;
- (2) (a) Find the low bidder non-responsive for the reason cited above; and  
(b) Award the bid to the lowest responsive, responsible bidder, Quality Construction & Engineering, Inc., in the not-to-exceed amount of \$889,775.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The proposed ADA improvements are exempt from the provisions of the California Environmental Quality Act ("CEQA"). In accordance with State CEQA Guidelines section 15301(c)(3), such improvements are not subject to CEQA.

**FISCAL IMPACT:**

The fiscal impact for the initial one-year term is \$889,775. Sufficient funds are available in the Fiscal Year 2024-25 ADA Concrete Improvements 2025 (253845PWCP) project. Subsequent four-year costs are estimated to total \$4,542,390.35, based on a projected increase of 10% annually.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Yazmin Arellano, Director of Engineering Services

Approved By: Graham Mitchell, City Manager

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**Attachments**

Reso - Approve Plans & Specs

Reso - Award of Bid

Bid Summary - 018-25

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

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR  
ADA CONCRETE IMPROVEMENTS 2025  
(Bid No. 018-25)

WHEREAS, the Director of Engineering Services has submitted plans and specifications for Bid No. 018-25 ADA Concrete Improvements 2025 (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.

RESOLUTION NO. \_\_-24

RESOLUTION AWARDDING BID FOR  
ADA CONCRETE IMPROVEMENTS 2025  
(Bid No. 018-25)

WHEREAS, the ADA Concrete Improvements 2025 project (the "Project") includes pedestrian curb ramps, sidewalks, curbs, gutters, cross gutters, and other concrete improvements; and

WHEREAS, Bid No. 018-25 (the "Bid") was advertised on September 6, 2024, and includes a one-year term with the option to renew for up to four additional one-year periods; and

WHEREAS, the City received nine responses on October 8, 2024, and the top five lowest responses were evaluated by City staff; and

WHEREAS, bid bonds are required to have the principal's original signature as it binds the contractor to their bid, in accordance with California Code of Regulations 11 CCR § 50.10, as adopted by the State of California, Department of Insurance; and

WHEREAS, the bid bond submitted by the apparent low bidder, RAC Construction & Engineering, Inc., was not signed by the bidder, and was therefore deemed non-responsive; and

WHEREAS, staff recommends that the City Council awards the bid to the lowest responsive, responsible bidder, Quality Construction & Engineering, Inc. ("QCEI"), in the not-to-exceed amount of \$889,775; and

WHEREAS, the fiscal impact of the Project is \$889,775, and sufficient funds are available in the Fiscal Year 2024-25 ADA Concrete Improvements 2025 (253845PWCP) project, with subsequent four-year costs estimated to total \$4,542,390.35, based on a projected increase of 10% annually; and

WHEREAS, the Project is exempt from the provisions of the California Environmental Quality Act ("CEQA") in accordance with State CEQA Guidelines section 15301(c)(3); and

WHEREAS, the City Council believes it to be in the best interests of the City to deem the first low bidder non-responsive for the reason cited above, and to award the Project to the lowest responsive, responsible bidder, QCEI, in the not-to-exceed amount of \$889,775, for a one-year term with the option to renew for four additional one-year periods.

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

1. The above recitals are true and correct, and are the findings of the City Council.

2. The City Council hereby finds that the Project is exempt from the provisions of CEQA in accordance with State CEQA Guidelines section 15301(c)(3).

3. The City Council hereby deems the apparent low bidder, RAC Construction & Engineering, Inc., non-responsive for the reason cited above.

4. The City Council hereby rejects all other bids and awards the Bid to the lowest responsive, responsible bidder:

Quality Construction & Engineering, Inc.

in the not-to-exceed amount of \$889,775, for a one-year term with the option to renew for four additional one-year periods.

5. The City Manager and City Clerk are authorized and directed to execute a contract for the Project on behalf of the City of El Cajon, with such changes or amendments as maybe approved by the City Manager.

11/12/24 CC Agenda  
Reso – Bid 018-25 – ADA Concrete Improvements 2025 – Awd (QCEI) 110524





# City of El Cajon – Purchasing Division

## BID EVALUATION

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

Bid No. 018-25	Bid Name: ADA Concrete Improvements 2025
Solicitation Due Date/Time: October 8, 2025/ 2:00 p.m.	Initial Date of Advertisement: September 6, 2024
Number of Responses Received: 9	Bid Estimate: \$750,000

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

Vendor	Vendor Type	Bid Amount	Format	Submit Date
RAC Construction & Engineering, Inc.	DBE, CADIR, MBE	\$719,260.00	Electronic	10/08/2024 9:35:32 AM
Quality Construction & Engineering, Inc.	CADIR	\$889,775.00	Electronic	10/08/2024 1:49:15 PM
Asad Holdings LLC DBA OrangeBlue		\$949,467.50	Electronic	10/08/2024 1:17:05 PM
Palm Engineering Construction Co		\$1,087,850.00	Electronic	10/08/2024 1:46:12 PM
YBS Construction Engineering	CADIR	\$1,104,887.50	Electronic	10/08/2024 11:10:56 AM
Aster Construction Services Inc.	CADIR	\$1,135,000.00	Electronic	10/08/2024 10:55:03 AM
Fordyce Construction, Inc.		\$1,173,110.00	Electronic	10/08/2024 12:59:18 PM
HSCC Inc.	CADIR, WBE	\$1,186,850.00	Electronic	10/08/2024 12:41:42 PM
E-4 Construction Inc	DBE	\$1,209,900.00	Electronic	10/08/2024 1:29:30 PM

### BID EVALUATION (TOP FIVE LOWEST RESPONSES):

Bidder	Bid Responsiveness	Notes
RAC Construction & Engineering, Inc.	No	Bid bond not signed by bidder.
Quality Construction & Engineering, Inc.	Yes	
ASAD Holdings, LLC dba OrangeBlue General Contractors	Yes	
Palm Engineering Construction Company, Inc.	Yes	
YBS Construction Engineering	Yes	

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

**RENEWAL OPTIONS:** YES  NO  **IF YES, SPECIFY TERM W/RENEWAL OPTIONS:** INITIAL ONE YEAR TERM WITH THE OPTION TO RENEW FOR FOUR ADDITIONAL ONE YEAR PERIODS

**LOWEST, RESPONSIVE, RESPONSIBLE BIDDER NAME AND AMOUNT:** QUALITY CONSTRUCTION & ENGINEERING, INC., \$889,775

### PURCHASING DIVISION:

Review Completed By: Mara Romano

Date: October 21, 2024



City Council  
Agenda Report

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Mara Romano, Purchasing Agent  
**SUBJECT:** Rejection of Bid No. 017-25 – Unmanned Aircraft Systems (Drones)

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**RECOMMENDATION:**

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

1. Find the first and second low bidders non-responsive for the reasons set forth in the agenda report; and
2. Reject all bids.

**BACKGROUND:**

Bid #017-25 included the procurement of six small unmanned aircraft systems. The bid was advertised on August 26, 2024. Three responses were received on September 30, 2024, and evaluated. A bid summary is attached, and the proposals are on file in the Purchasing Division.

Section 10 of the bid specifications' General Conditions states:

"The bidder shall not change the wording in the attached specifications or conditions. No words or comments shall be added to the general conditions or detailed specifications. Any explanation or alternative offered shall be set forth in a letter attached to the front cover of the specifications. Alternatives which do not substantially comply with the City's specifications cannot be considered. Conditional bids cannot be accepted."

The first apparent low bidder, Frontier Precision, Inc. (FPI), did not submit required documentation to comprise a complete bid. FPI failed to submit City forms: Acknowledgment of System for Award Management (SAM) Requirement, Anti-Lobbying Certification, and Bidder's Organizational Information.

In addition, FPI's submittal included revised terms and conditions and the second apparent low bidder, Axon Enterprise, Inc. (AEI), submitted a bid that included a Master Sales and Purchasing Agreement with additional terms and conditions. When a vendor sets forth such conditions within their proposal it is deemed a conditional bid.

Therefore, FPI and AEI's bids are non-responsive to the specifications and terms and conditions of the bid.

Furthermore, once the bid responses were reviewed, City staff determined that the apparent third low bidder, Lotus USA, Inc's bid amount exceeded the budget by approximately \$700,000.

Staff recommends the City Council adopts resolutions to (1) Find the first and second low bidders non-responsive for the reasons cited above, and (2) Reject all bids while staff explores alternative procurement options that are in compliance with Chapter 3.20 and applicable law for the acquisition of military equipment.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Rejection of the bid is not subject to the California Environmental Quality Act ("CEQA") in accordance with State CEQA Guidelines section 15061(b)(4).

**FISCAL IMPACT:**

None.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager

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**Attachments**

Resolution

Bid Summary - 017-25

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON  
REJECTING THE BIDS FOR UNMANNED AIRCRAFT SYSTEMS, AND  
AUTHORIZING STAFF TO EXPLORE ALTERNATIVE PROCUREMENT OPTIONS  
(Bid No. 017-25)

WHEREAS, Bid No. 017-25 (the "Bid") included the procurement of six small unmanned aircraft systems ("Drones"); and

WHEREAS, the City of El Cajon (the "City") advertised the Bid on August 26, 2024, and three (3) responses were received September 30, 2024; and

WHEREAS, the first apparent low bidder, Frontier Precision, Inc. ("FPI"), did not submit required documentation to comprise a complete bid as FPI failed to submit required City forms; and

WHEREAS, the Bid specifications require that the bidder not change the wording in the attached specifications add conditions, and that any explanation or alternative offered shall be set forth in a letter attached to the front cover of the specifications; and

WHEREAS, the Bid specifications also stated alternatives which do not substantially comply with the City's specifications cannot be considered and conditional bids would not be accepted; and

WHEREAS, FPI's submittal included revised terms and conditions; and

WHEREAS, the second apparent low bidder, Axon Enterprise, Inc. (AEI), submitted a bid that included a Master Sales and Purchasing Agreement with additional terms and conditions; and

WHEREAS, for the reasons set forth above both bids were deemed a conditional bid and therefore non-responsive to the specifications and terms and conditions of the Bid; and

WHEREAS, once the bid responses were reviewed, City staff determined that the third apparent low bidder, Lotus USA, Inc.'s bid amount exceeded the budget by approximately \$700,000; and

WHEREAS, the proposed recommendation to reject all of the bids and authorize staff to explore alternative procurement is exempt from the California Environmental Quality Act ("CEQA") as there is no project.

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

1. The above recitals are true and correct, and are the findings of the City Council.
2. The City Council hereby rejects the bids of the apparent low bidders, FPI and AEI, finding that the bids were conditional and FPI's bid was incomplete and therefore did not meet Bid specifications.
3. The bid of Lotus USA Inc. is rejected based on the bid amount exceeding the budget by approximately \$700,000.
4. The rejection of bids and authorization of staff to explore alternative procurement is exempt from CEQA as there is no project.
5. Due to the conditional bids of the first apparent low bidder and the second apparent low bidder, and the third low bidder's bid amount exceeding the construction budget by \$700,000, the City Council hereby rejects all of the bids received in response to Bid No. 017-25, and authorizes staff explore alternative procurement of the Drones.



# City of El Cajon – Purchasing Division

## BID EVALUATION

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

Bid No. 017-25	Bid Name: Unmanned Aircraft Systems (Drones)
Solicitation Due Date/Time: September 30, 2025/ 2:00 p.m.	Initial Date of Advertisement: August 26, 2024
Number of Responses Received: 3	Bid Estimate: \$191,000

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

Vendor	Vendor Type	Bid Amount	Format	Submit Date
Frontier Precision		\$159,562.44	Electronic	09/23/2024 1:37:50 PM
TASER International		\$167,618.40	Electronic	09/27/2024 1:02:08 PM
Lotus USA, Inc	WBE, MBE	\$889,505.10	Electronic	09/30/2024 1:30:48 PM

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

Bidder	Bid Responsiveness	Notes
Frontier Precision, Inc.	No	Did not submit City forms and quote submitted constitutes a conditional bid.
Axon Enterprise, Inc.	No	Conditional bid.
Lotus USA, Inc.	Yes	

**LEGAL REVIEW REQUIRED:** YES  NO  **IF YES, DATE LEGAL REVIEW COMPLETED:** October 23, 2024

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

**LOWEST, RESPONSIVE, RESPONSIBLE BIDDER NAME AND AMOUNT:** LOTUS USA, INC., \$889,505.10

### PURCHASING DIVISION:

Review Completed By: Mara Romano

Date: October 23, 2024



## City Council Agenda Report

**Agenda Item 10.**

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Mara Romano, Purchasing Agent  
**SUBJECT:** Contract Amendment for Bid No. 025-24 – Fiber Broadband Project

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### RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to increase compensation and working days for the Fiber Broadband Project Public Works contract with Baker Electric & Renewables, LLC (Baker) in the not-to-exceed amount of \$285,352.23.

### BACKGROUND:

On January 9, 2024, the City Council authorized the award of the Fiber Broadband Project in the not-to-exceed amount of \$1,729,116. On April 2, 2024, the City entered into a contract with Baker; funded by Coronavirus State & Local Fiscal Recovery (American Rescue Plan Act) Grant Funds.

Proposed Construction Change Order No. 1 will upgrade the fiber optic cable from 24 existing single mode fiber optic cable (SMFOC) to 288 and terminate/relocate additional fiber cable at the Police Department and City Hall, as listed below:

- Furnish and install approximately 13,600 linear feet of 288 SMFOC on Main Street from Madison Avenue to Main Street, on Second Street from Main Street to Madison Avenue, and along Madison from Second Street to Ballantyne Avenue;
- Furnish and install approximately 6,900 linear feet of 288 SMFOC on Broadway from Bostonia Street to Mollison Avenue;
- Furnish and install approximately 3,500 linear feet of 288 SMFOC on Mollison Avenue from Broadway Street to Madison Avenue;
- Furnish and install approximately 2,000 linear feet of 288 SMFOC on Magnolia Avenue from Douglas Avenue to Park Avenue;
- Install seven vaults and ten splice canisters along these segments;
- Perform fiber investigation and OTDR testing on all new fiber optic cable and provide test documentation;
- Terminate an additional 288 SMFOC at Police Department server;
- Cut and re-route 48 SMFOC from City Hall to Police Department;
- Relocate City Hall server cabinet from fourth floor to the basement; and
- Add an additional 30 working days to the project.

The requested change order increase exceeds \$100,000 for construction contracts as established by City Council Policy B-4, thus requiring approval from the City Council.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The proposed amendment for the installation of conduit and fiber optic cable in existing roadways and public facilities is exempt from the California Environmental Quality Act ("CEQA") in accordance with State CEQA Guidelines sections 15301 and 15303. Section 15301 exempts projects of minor alterations to existing public facilities or structures where there is negligible or no expansion of the use. Section 15303 exempts construction and location of limited numbers of new, small facilities or structures, including installation of small new equipment and facilities in small structures.

**FISCAL IMPACT:**

Approval of the \$285,352.23 increase will supplement the contract, for a total not-to-exceed amount of \$2,014,468.23. Sufficient funds are available in Fiscal Year 2024-25 Expand Broadband Citywide (223754PWCP) budget.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Sara Diaz, Director of Information Technology

Approved By: Graham Mitchell, City Manager

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**Attachments**

Resolution



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON  
APPROVING A CHANGE ORDER TO AMEND THE AGREEMENT BETWEEN  
THE CITY OF EL CAJON AND BAKER ELECTRIC & RENEWABLES, LLC  
FOR THE INSTALLATION AND OPERATION AND MAINTENANCE OF  
TELECOMMUNICATIONS NETWORK FACILITIES WITHIN  
THE PUBLIC RIGHT OF WAY  
(Bid No. 025-24)

WHEREAS, on January 9, 2024, the City Council authorized the City to enter into a contract with Baker Electric & Renewables, LLC ("Baker"), to be funded by Coronavirus State & Local Fiscal Recovery; and

WHEREAS, in accordance with Proposed Construction Change Order No. 1, Baker will upgrade the fiber optic cable from 24 existing single mode fiber optic cable (SMFOC) to 288 and terminate or relocate additional fiber cable at the Police Department and City Hall; and

WHEREAS, the requested change order increase exceeds \$100,000 for construction contracts as established by City Council Policy B-4, thus requiring approval from the City Council; and

WHEREAS, the EXISTING CONTRACT WITH Baker is in the amount not to \$1,729,116.00 and sufficient funds are available in the Fiscal Year 2023-24 Expand Broadband Citywide (223754PWCP) budget; and

WHEREAS, the amendment for the installation of SMFOC at the Police Department and City Hall is exempt from the California Environmental Quality Act ("CEQA") in accordance with State CEQA Guidelines sections 15301 (Existing Facilities) and section 15303 (New Construction or Conversion of Small Structures) relating to existing public facilities or structures where there is negligible or no expansion of the use and which consists of construction and location of limited numbers of new, small facilities or structures, including installation of small new equipment and facilities in small structures; and

WHEREAS, approval of the \$285,352.23 increase will supplement the contract, for a total not-to-exceed amount of \$2,014,468.23. Sufficient funds are available in Fiscal Year 2024-25 Expand Broadband Citywide (223754PWCP) budget; and

WHEREAS, the City Council believes it to be in the best interest of the City to enter into the Agreement with Baker, 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 the Project is exempt from the California Environmental Quality Act pursuant to state CEQA Guidelines sections 15301 and 15303 which exempts actions relating to existing facilities or structures where there is negligible or no expansion of the use and projects consisting of construction and the location of limited numbers of new small facilities or structures where only minor modifications are made in the exterior of the structure.
3. The City Council hereby approves Change Order No. 1 to amend the Agreement with Baker for furnishing and installation of additional 288 SMFOC to upgrade the fiber optic cable from 24 existing single mode fiber optic cable and to terminate or relocate additional fiber cable at the Police Department and City Hall for an amount not to exceed \$2,014,468.23.
4. The City Council hereby authorizes the City Manager, or such person as is designated by the City Manager, to execute Change Order No. 1 with any such changes and refinements as may be necessary and approved by the City Manager.
5. The City Manager, or such person as is designated by the City Manager, is hereby authorized and directed to execute any subsequent amendments to the Agreement, or other documents necessary, as may be approved by the City Manager on behalf of the City of El Cajon.

11/12/24 CC Agenda

Reso – Bid No. 025-24 – Change Order #1 - Fiber Broadband Project - Award (Baker Electric) 110424



## City Council Agenda Report

**Agenda Item 11.**

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Yazmin Arellano, Director of Engineering Services  
**SUBJECT:** Public Hearing for Underground Utility District # 29 - S. Johnson Avenue

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### RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to create a new Underground Utility District (UUD) # 29 on South Johnson Avenue from West Main Street to El Cajon Blvd.

### BACKGROUND:

The City of El Cajon was previously allocated funding under Electric Rule 20A, a program created by the California Public Utilities Commission (CPUC) to help cities and counties convert overhead electric and telecommunication lines to underground facilities. Rule 20A was designed to enhance public safety, improve aesthetics, and reduce the risk of outages caused by overhead utilities. However, recent CPUC rulings, particularly Decision 21-06-008, have significantly reduced the availability of Rule 20A funds. This decision ended new allocations of Rule 20A funds to cities and counties after 2022. Cities can still use previously accrued Rule 20A funds for these projects, but no new funds will be issued.

The City of El Cajon currently has a Rule 20A work credit allocation balance of \$3,708,874. San Diego Gas & Electric (SDG&E) manages the allocation and use of Rule 20A funds. SDG&E is typically responsible for designing and constructing the projects funded under Rule 20A, which includes appropriate trench, conduit, secondary cable, and meter changes, including the provision of joint trench/conduit for communications facilities. In some cases, local jurisdictions may choose to perform these tasks in order to help expedite the construction schedule.

Chapter 16.52 of the El Cajon Municipal Code establishes a procedure to create underground utility districts. The Code requires a public hearing to ascertain whether the public health, safety, or welfare requires the removal of poles, overhead wires, associated overhead structures, and the underground installation of wires and facilities for supplying electricity, communication, or similar associated services in any such district.

UUD #29 will complete the undergrounding of existing overhead utilities on S. Johnson Avenue from El Cajon Blvd to West Main Street (approximately 1,200 feet). This project aims to significantly improve public health, safety, and welfare in the Downtown Environmental Justice community. With the recent effort by a developer (KB Homes) to underground utilities along their property, this project offers a unique opportunity to extend these benefits across adjacent lots and create a cohesive, resilient infrastructure. By relocating overhead utilities underground, the City will not only enhance the area's aesthetic appeal but also contribute to environmental

justice by delivering equitable access to safer, cleaner, and more reliable utility services.

Undergrounding the overhead utility lines on S. Johnson Avenue will increase public safety, as underground lines are less susceptible to wind, falling trees, and vehicle accidents along this corridor, reducing the risk of down lines and associated hazards. This effort will also improve service reliability, as there is less chance of power outages, contributing to a more reliable energy supply for residents and businesses.

Staff recommends prioritizing underground utility funds for the new district, UUD #29. Design and construction for UUD #29 is approximately \$3.7 million. The project must be completed before December 31, 2033.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") according to section 15302(d) of the State CEQA Guidelines. This section exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to: (d) Conversion of overhead electric utility distribution system facilities to underground, including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

#### FISCAL IMPACT:

This action has no fiscal impact on City funds and will spend all of the Rule 20A funds that SDG&E set aside for El Cajon.

Prepared By: Yazmin Arellano, Engineering Services Department Director

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

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#### Attachments

Resolution - UUD #29

Location Map

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

RESOLUTION APPROVING  
UNDERGROUND UTILITY DISTRICT #29  
ON SOUTH JOHNSON AVENUE FROM  
MAIN STREET TO EL CAJON BOULEVARD

WHEREAS, Chapter 16.52 of the El Cajon Municipal Code establishes a procedure for the creation of an underground utility district ("UUD"), and requires as the initial step in such procedure the holding of a public hearing to ascertain whether the public health, safety or welfare requires the removal of poles, overhead wires, associated overhead structures, and the underground installation of wires and facilities for supplying electric, communication, or similar associated service in any such district; and

WHEREAS, the California Public Utilities Commission ("CPUC") created the Electric Rule 20A ("Rule 20A") program to help cities and counties convert overhead electric and telecommunication lines to underground facilities, and enhance public safety, improve esthetics, and reduce the risk of outages caused by overhead utilities; and

WHEREAS, recent CPUC rulings, particularly Decision 21-06-008, have significantly reduced the availability of Rule 20A funds, and ceased new allocations of Rule 20A funds to cities and counties after 2022; however, cities can still use previously accrued Rule 20A funds for projects; and

WHEREAS, San Diego Gas & Electric ("SDG&E") manages the allocation and use of Rule 20A funds collected and accruing to, and for the benefit of, the City of El Cajon ("City"), and is responsible for designing and constructing the projects funded under Rule 20A, which includes appropriate trench, conduit, secondary cable, and meter changes, including the provision of joint trench/conduit for communications facilities, although in some cases, local jurisdictions may choose to perform these tasks in order to help expedite the construction schedule; and

WHEREAS, the City currently has a Rule 20A work credit allocation balance of \$3,708,874, and City staff recommends that the City Council approves the use of these funds to create Underground Utility District #29 ("UUD #29") on South Johnson Avenue from Main Street to El Cajon Boulevard (approximately 1,200 feet) to complete the undergrounding of existing overhead utilities along that route (the "Project"); and

WHEREAS, with the recent efforts by developer KB Homes to underground utilities along their property, this Project offers a unique opportunity to extend these benefits across adjacent lots and create a cohesive, resilient infrastructure, and by relocating overhead utilities underground, the City will not only enhance the area's aesthetic appeal but also contribute to environmental justice by delivering equitable access to safer, cleaner, and more reliable utility services; provide more reliable energy supply by reducing the risk of downed power lines and associated hazards; and minimize vehicle accidents along this corridor; and

WHEREAS, the Project is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") according to section 15032 (Class 2) (d)

of the CEQA Guidelines; Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to: (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

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.

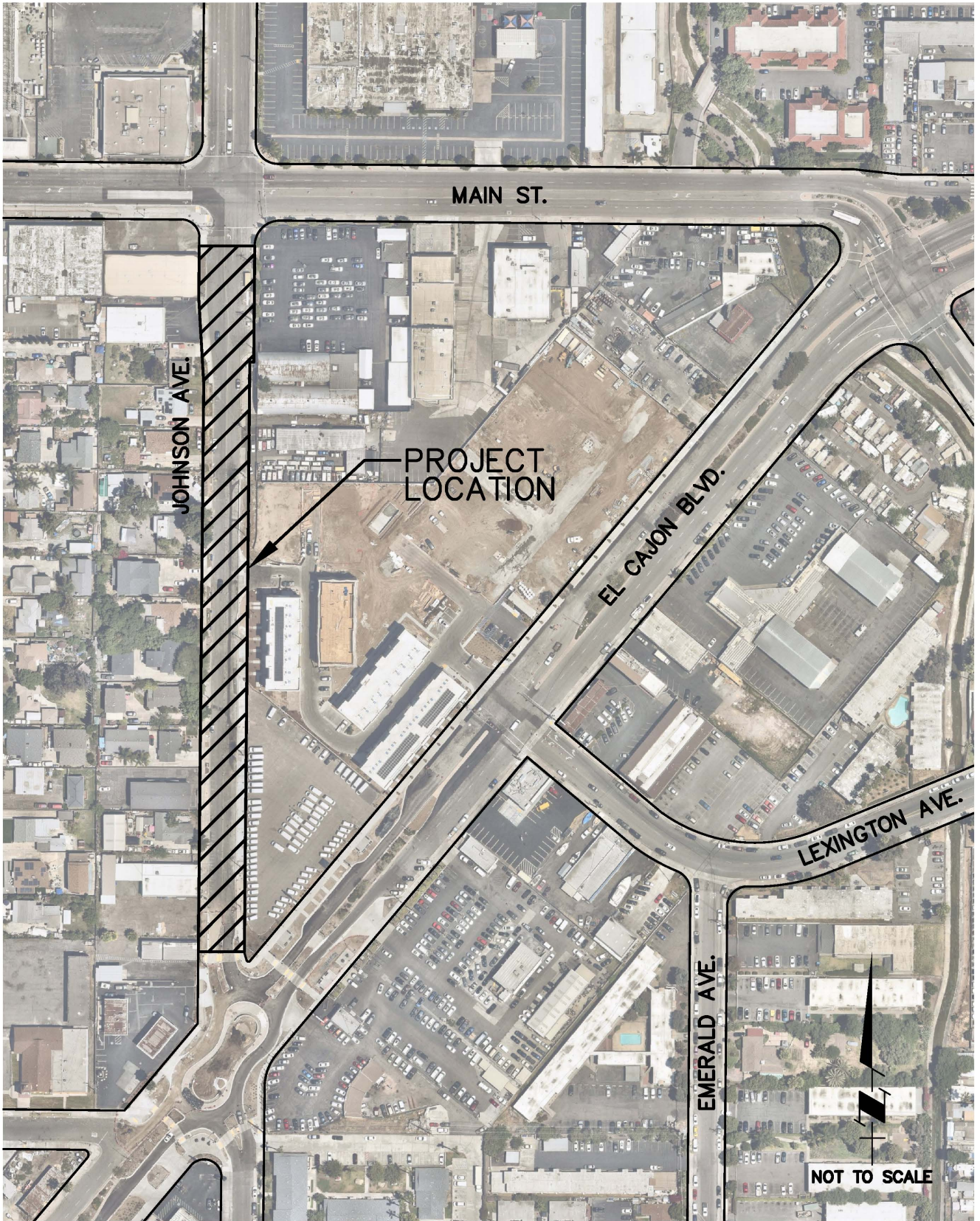
2. The City Council hereby further finds that the Project is categorically exempt from the provisions of CEQA according to section 15032 (Class 2) (d) of the CEQA Guidelines.

3. The City Council hereby approves and establishes City of El Cajon UUD #29.

4. The City Council hereby authorizes the use of the City's available 20A funds to the work to be performed for undergrounding utilities in UUD #29, with the Project to be completed by December 31, 2033.

5. The City Council hereby further authorizes staff to take such actions, and the City Manager, or such person or persons designated by the City Manager, to execute such documents necessary, in order for the City to use the City's available Rule 20A funds to underground utilities in UUD #29.





CITY OF EL CAJON  
ENGINEERING SERVICES DEPARTMENT

EXHIBIT "A"

UNDERGROUND UTILITY DISTRICT #29  
JOHNSON AVENUE FROM MAIN STREET TO EL CAJON BOULEVARD





**City Council  
Agenda Report**

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Graham Mitchell, City Manager  
**SUBJECT:** City Council Action Plan (2024) Update

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**RECOMMENDATION:**

That the City Council receives the update and provides feedback.

**BACKGROUND:**

Each year, the City Council holds an annual priority setting workshop toward the beginning of the calendar year. Last year, the City Council conducted its workshop on January 23, 2024 to consider priorities and goals for the upcoming year and adopted the 2024 City Council Action Plan (2024 CCAP) on March 12, 2024. The purpose of this agenda item is to provide an update on the priorities and goals set by the City Council. Staff aims for this presentation to assist in the upcoming 2025 priority setting workshop, which has been scheduled for January 2025.

The 2024 CCAP identifies the following six priorities:

- City Beautification,
- City Infrastructure,
- Economic Development,
- Homelessness,
- Public Safety, and
- Miscellaneous priorities.

For each priority, the City Council identified Goals/Outcomes. Using that direction, staff identified milestones/tasks for each goal or outcome, along with target dates. The attached matrix shows each of the six priorities, the twenty-five goals, and the seventy tasks. The matrix provides color coding to show whether the different tasks are completed (green), in process (blue), or not started or canceled (red). By the end of December 2024, staff anticipates that six goals will be completed, twelve in process, and seven either not yet started or were canceled during the year.

During the presentation of this agenda item, staff will review the attached document, answer questions, and receive any feedback.



**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The City Council Action Plan update provides a status report on project efforts designed to improve governmental operations, processes and infrastructure. Therefore, it is exempt from the California Environmental Quality Act ("CEQA") pursuant to State Guidelines section 15378(b)(5) because it is an administrative activity of government.

**FISCAL IMPACT:**

No direct fiscal impact.

Prepared By: Graham Mitchell, City Manager

Reviewed By:

Approved By: Graham Mitchell, City Manager

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**Attachments**

CCAP Update (Nov 2024)

# City Council Action Plan

Update: November 12, 2024

<u>Priority</u>	<u>Page</u>
City Beautification	1
City Infrastructure	6
Economic Development	7
Homelessness	10
Public Safety	11
Miscellaneous	13



**CITY BEAUTIFICATION**

Goal/Outcome	Dept.	Milestones/Tasks	Target Dates	Status
<b>City Beautification &amp; Improvement Projects</b>  <i>Complete thirteen City beautification and improvement projects.</i>		Neighborhood Street Lights Phase 2 Construction (34)	Mar 2024	All 34 lights installed and energized.
	ENG	Solar Project Phase 1 (PSC)	Dec 2024	Project canceled
	ENG	El Cajon Blvd. Transit Center Community Improvements Completion (Roundabout)	Aug 2024	Road is open with "punch list" action items to complete by Dec 2024.
	ENG	Jamacha Rd Safety Improvements Design and Construction	Dec 2024	Project begins construction on 11/20/24 with a projected completion date of June 2025.
	ENG	Neighborhood Street Lights Phase 3 Design and Construction (47)	Jul 2024	Project under construction with completion by June 2025.
	ENG	Main Street Green Street	Aug 2024	Construction substantially complete, Completion by Dec 2024, pending asphalt restoration and "punch list" corrections.
	ENG	Oakdale Alameda Design and Construction	Dec 2024	The project is in construction with an expected completion date of April 2025.
	ENG	Cool Zones Phase 2 (Gyms) design and installation	Dec 2024	Contract being executed with completion by Oct 2025.
	IT/ENG	Expand Broadband – Design and Installation	Dec 2024	Fiber installion began in Sep 2024 and is on track to be completed by Dec 2024.

	ENG	W. Washington Ave. Safety Improvements Design and Construction	Apr 2025	30% design completion by Dec 2024. Staff is coordinating a community engagement event in Dec at Renette Rec Center for residents to provide input on the project's preliminary design.
	FIRE/ PW	Wildfire Hazard Mitigation Plan Implementation	Dec 2024	Plan completed by Dec 2024. After completion, RFP for professional services to prepare permitting and construction documents is required. Project completion estimated for Jun 2025.
	P&R/ ENG	Park Amenity Project Design and Construction, including pickleball courts	Jun 2025	Anticipated contract award date on 11/19/2024 and completion by Oct 2025.
	FIRE/ ENG	Fire Station 7 Design and Construction	Dec 2025	Design completed by Jan 2025.
<b>"Tax Dollars at Work" Signage</b> <i>Include signage promoting the City's investments in the community at construction projects.</i>	PW / ENG	Include in all Public Works contractor specs the requirement for an 4 x 6 foot sign promoting capital improvement projects.	Apr 2024	Signs program implemented as part of the 2nd & Jamacha Street project, currently under construction.



<b>Landscape Awards</b>  <i>Create and administer a program that awards residents and businesses for investing in their landscaping.</i>	CM	Present to the City Council the recommended awards and a proposed budget (\$16,000) for Landscape Award Program	Feb 2024	Completed
		Announce program to El Cajon residents and business owners	Feb 2024	Completed and winners to be announced on 9/23/24
		Announce winners at City Council meeting and at National Night Out	Aug 2024	Completed
<b>Illegal Dumping from Apartment Complexes</b>  <i>Develop a program that addresses illegal dumping of large items (mattresses, furniture, etc.).</i>	CM/PW	Hold meetings with the Southern California Rental Housing Association and EDCO to explore solutions and marketing information.	Apr 2024	Not yet started
		Collect data and create a heat map on illegal dumps that may be associated with apartment complexes to understand problem areas, frequency, and types of illegal dumping.	Apr 2024	PW & Code Enforcement staff are currently gathering data to prepare the heat map.
		Using heat map, focus a program or information campaign for the most challenging areas.	Sep 2024	Prior to map being produced, EDCO has contacted specific apartment complexes. Once the map is produced, a more robust effort will be made.
		Present to the City Council a report with findings and recommendations.	Dec 2024	Not yet started
<b>Mural Project</b>  <i>Identify a location and muralist for a pilot mural program that includes resident involvement.</i>	PW/P&R	Release RFP to secure a muralist	Mar 2024	Project is on hold, pending a funding source.
		Select muralist	May 2024	
		Complete mural	Dec 2024	

<p><b>Sign Regulations</b></p> <p><i>Update the City's Municipal Code sections related to sign regulations.</i></p>	<p>CD/CM</p>	<p>Present to the City Council a review of the City's current sign ordinance and seek areas of concern from the City Council (i.e. complete overhaul, focus on issues such as rope lights, or consider policies related to temporary signage).</p>	<p>Jul 2024</p>	<p>Presented to the City Council on 7/23/24.</p>
		<p>Conduct a series of business forums regarding signs and seek input.</p>	<p>Oct 2024</p>	<p>Council addressed the issue on 7/23/2024 and directed staff to address blinking and colored string light displays. Staff presented the issue to the PBID Board on 9/25/2024. PBID Board provided positive feedback on amending the Downtown Master Plan to limit string lights to a static color with no motion or flashing. This includes flashing "Open" signs.</p>
		<p>Conduct a City Council workshop with findings from direction provided by the City Council and from the business forums.</p>	<p>Nov 2024</p>	<p>Proposed amendments will be included in Specific Plan 182 scheduled for Planning Commission on 11/19/24 and City Council on 12/10/24.</p>
		<p>Present to the City Council recommended changes to the Municipal Code regarding signs.</p>	<p>Dec 2024</p>	<p>Draft policy set to be presented to the Planning Commission on 11/19/24 and the City Council on 12/10/24.</p>

<p><b>Vacant Lot Incentive Program</b></p> <p><i>Present a program that incentivizes property owners of vacant lots to either develop or include community amenities that add value to neighborhoods.</i></p>	<p>CM</p>	<p>Identify focus properties that meet criteria.</p>	<p>May 2024</p>	<p>Intern has begun developing a GIS mapping program to identify target vacant lots (lots over 1 acre in size)</p>
		<p>Research best practices in other cities around the United States and present findings to the City Council.</p>	<p>Aug 2024</p>	<p>Research underway.</p>
		<p>Analyze grant program to landscape vacant properties and vacant lot assessment and present findings to the City Council.</p>	<p>Oct 2024</p>	<p>Intern has begun developing a GIS mapping program to identify target vacant lots (lots over 1 acre in size)</p>



**CITY INFRASTRUCTURE**

<b>Goal/Outcome</b>	<b>Dept.</b>	<b>Milestones/Tasks</b>	<b>Target Dates</b>	<b>Status</b>
<b>Deferred Maintenance Analysis</b> <i>Prepare an analysis of the City's deferred maintenance projects and Capital Improvement Plan.</i>	FIN	Present a report to the City Council on the City's deferred maintenance program and Capital Improvement Plan and determine if additional funding is required	Mar 2024	Report provided to the City Council on 9/10/2024.
<b>Pavement Management Program</b> <i>Prepare an analysis of the City's Pavement Management Program, including a history of pavement history and projected projects.</i>	ENG	After re-analyzing all City streets, present to the City Council a report on the City's Pavement Management Program including data on past and projected Pavement Condition Index (PCI).	Nov 2024	City Council awarded contract on 10/8/2024. Project completion by Jun 2025.
<b>Neighborhood Capital Improvement Projects</b>  <i>Identify additional infrastructure related capital improvement projects (up to \$2 million in costs) that have a significant and visible impact on neighborhood and implement.</i>		Allocate \$2 million from the General Fund Reserve for Neighborhood Capital Improvement Projects.	Jun 2024	
	ENG	Present to the City Council possible projects to fund with the General Fund Reserve monies.	Sep 2024	Project not included in FY 25 budget. However, new streetlight project in design, budgeted \$845,000 to install 39 street lights and sidewalk improvements using CDBG funds.



**ECONOMIC DEVELOPMENT**

<b>Goal/Outcome</b>	<b>Dept.</b>	<b>Milestones/Tasks</b>	<b>Target Dates</b>	<b>Status</b>
<b>Parkway Plaza</b>  <i>With stakeholder input, develop a re-envisioned Parkway Plaza development plan and present it to current owners and development community.</i>	CM/CD	Present report to the City Council, including the economic analysis from Hunden Partners and possible City actions to effectuate a fiscally healthy regional mall property.	Jul 2024	Hunden present study to the Council on 7/9/2024
		Implement possible development strategies.	Aug 2024	Underway with development proposals being considered for pad development and analyzing options to gain site control.
<b>Signs &amp; Façade Improvement Grant</b>  <i>Administer the Sign &amp; Façade Improvement Grant program.</i>	CM	Launch and market the Sign & Façade Improvement Grant program.	Mar 2024	Grant applications closed on 5/1/2024 & awarded businesses were notified on 6/14/2024
		Present a report to the City Council on completion or progress of the program.	Sep 2024	City Council approved Sign & Façade Grant Program (funded by ARPA). The following grants were distributed: 52 (\$708,000) for signs, 21 (\$219,000) for facade paint, and 3 (\$2,800) for new windows.

<b>Downtown Project</b>  <i>Initiate a downtown catalyst development project.</i>	CM	Develop a plan for the reimagining of the civic center space and adjoining properties.	Oct 2024	Staff is analyzing public investment options and completing Surplus Lands Act analysis.
		Complete Steps 1 & 2 of Surplus Land Act requirements related to City-owned property in the downtown area.	Nov 2024	In process.
		Reach out to adjacent private property owners in the project area, solicit interest, and begin designing a “public-private partnership” for interested parties.	Oct 2024	Property profiles are being compiled prior to solicitation opportunities presented.
<b>Enhance Developer/Applicant Experience</b>  <i>Analyze improvements to developer &amp; permit applicant experience to ensure El Cajon is the easiest place to develop.</i>	CD/CM	Secure a SDSU study of the City’s developer/application process and present report to the City Council.	May 2024	Completed
		Host semi-annual Developer/Real Estate Broker roundtables discussions.	Jul 2024	City hosted forums on 6/19/2024 and 10/29/2024.
<b>East County Market Nights</b>  <i>Create a signature regional event in El Cajon’s downtown that will attract thousands of weekly visitors to a farmers market, live entertainment, prepared food, and crafts.</i>	CM	Complete the procurement process and present vendor and budget to the City Council for consideration.	May 2024	On holding pending funding and vendor.
		If vendor is selected, launch inaugural Market Night event.	Aug 2024	

<p><b>Economic Development Manager</b></p> <p><i>Consider Economic Development Manager to oversee the City's economic development strategic plan and vision.</i></p>	<p>CM/Fin</p>	<p>As part of the budget approval process, present to the City Council an option to create the position, including purpose of the position, duties, proposed outcomes, and cost.</p>	<p>On-Hold</p>	<p>Position was not included in the FY 25 budget. Possible staffing plan may address the need in an upcoming recruitment for a vacant Sr. Management Analyst position.</p>
<p><b>Analysis of Downtown Property Based Improvement District (PBID)</b></p> <p><i>Implement certain findings from the PBID analysis.</i></p>	<p>CM</p>	<p>Present the findings from the analysis of the PBID to the City Council and obtain direction.</p>	<p>Feb 2024</p>	<p>Completed</p>
		<p>Implement direction from the City Council.</p>	<p>Dec 2024</p>	<p>Ongoing efforts being made.</p>

**HOMELESSNESS**

Goal/Outcome	Dept.	Milestones/Tasks	Target Dates	Status
<p><b>Documentary on El Cajon’s Homeless Successes &amp; Challenges</b></p> <p><i>Create a documentary highlighting successes with City’s homeless programs, focusing on individuals as well as challenges the City faces, including policies out of El Cajon’s control and lack of transparency on homeless spending in the region.</i></p>	<p align="center">CM</p>	<p align="center">Produce and promote the documentary.</p>	<p align="center">Dec 2024</p>	<p align="center">Not yet started</p>
<p><b>Promote El Cajon’s Homeless Programs</b></p> <p><i>Continue to promote the work the City is doing in the area of homelessness.</i></p>	<p align="center">CD/CM</p>	<p>Continue to market programs that the City provides, present semi-annual reports to the City Council, and inform residents and businesses of the efforts being made by the City.</p>	<p align="center">Ongoing</p>	<p align="center">Ongoing efforts being made.</p>



**PUBLIC SAFETY**

Goal/Outcome	Dept.	Milestones/Tasks	Target Dates	Status
<p><b>Fire/Medical Response Coverage</b></p> <p><i>Implement direction from February 22, 2024 City Council workshop to add a 24-hour staff fire engine to Station 8 and begin exploring sites for a fifth fire station in the City.</i></p>	Fire/CM	Conduct a City Council workshop on the Fire/Medical Response Coverage study	Feb 2024	Completed
		Implement direction from the City Council workshop on short-term objectives.	Aug 2024	Additional fire engine purchased and staff is securing funding for equipment outfitting. The City was not successful in securing a FEMA SAFER grant to finance the cost of the necessary nine fire personnel to operate an engine 24/7. Staff is working on a plan for City Council consideration which will be presented in early 2025.
		Continue to reduce calls run to convalescent homes, skilled nursing facilities, and other congregate care facilities by another 10% by December 31, 2024 from the previous year through increased outreach efforts and possible penalties.	Dec 2024	On 09/10/2024, City Council received a report with various strategies to reduce calls for services to congregate care facilities. Staff is scheduling a meeting with facility operators, gathering additional feedback and preparing a recommendation for City Council consideration. Fire Dept continues education efforts and have not achieved a 10% reduction through this method.

<p><b>Curb Excessive Speeding on City streets</b></p> <p><i>Through enforcement, education, and engineering, implement a comprehensive strategy to enforce speed limits throughout the City.</i></p>	<p>PD/ENG</p>	<p>Identify areas in which speeding occurs regularly and deploy resources to address enforcement in those areas.</p>	<p>Apr 2024</p>	<p>Completed</p>
		<p>Report to the City Council on speed enforcement efforts in 2023.</p>	<p>May 2024</p>	<p>Completed</p>
		<p>Three months saturation enforcement and study, identify data that can help in developing an education campaign to targeted audiences.</p>	<p>Jun 2024</p>	<p>The “three month saturation enforcement and study” was reduced to a 6 week project to accomodate staffing shortage and other City Council priorities. Program studied traffic speeds over the months of July and August. Study showed no statistical change in speed behavior was accomplished through saturation enforcement. Police Dept social media feeds will continue to provide education.</p>
		<p>Complete the W. Washington Avenue and the Jamacha Road Safety Improvements project (see City Beautification category).</p>	<p>Apr 2024</p>	<p>30% design completion by Dec 2024. Staff is coordinating a community engagement event in Dec at Renette Rec Center for residents to provide input on the project's preliminary design.</p>

**MISCELLANEOUS**

Goal/Outcome	Dept.	Milestones/Tasks	Target Dates	Status
<p><b>Veterans Memorial</b></p> <p><i>Working with the community and stakeholders, identify a location, design, and funding plan for the establishment of a new Veterans Memorial.</i></p>	RS	Release RFP for Memorial Artist/Consultant.	May 2024	RFQ process completed on 9/30/24. Three artists qualify to receive a RFP. RFP is to tentatively release in Jan 2025.
		Seek Stakeholder Feedback regarding Memorial Artist.	Jul 2024	After RFP is due, staff will be seeking input from stakeholders during July and August 2024
		Present proposed design to the City Council and seek direction on funding options.	Sep 2024	The RFP is tentatively scheduled to release in Jan 2025.
		Procure services of a memorial developer.	Oct 2024	The RFP is tentatively scheduled to release in Jan 2025.
<p><b>Implement Technology Opportunities</b></p> <p><i>Seek opportunities for technology applications to reduce costs, augment performance, or create safer conditions.</i></p>	ALL	Seek opportunities to implement technological applications.	ongoing	Police and Fire Tech Committees are created to evaluate possible new software. IT staff attended 4 vendor demonstrations and 1 conference in the past month.
		When opportunities are identified, analyze the return on investment and seek procurement opportunities.		A recent example of piloting technology is that the Engineering Department recently installed sensors on two Fire apparatus to analyze signal delays. With data collected, staff can analyze the value of using this type of technology for other applications. Also, staff is developing a list of possible applications to be included in the FY 26 budget.



<p><b>Short-Term Rental</b></p> <p><i>Conducting a workshop to discuss issues related to short-term rentals, examples of policies implemented in other communities, and provide direction (if necessary) to staff.</i></p>	<p>CD/CM/ Fin</p>	<p>Host a City Council workshop (perhaps a joint Planning Commission/City Council workshop) to discuss data and issues related to short-term rentals, along with possible policies for City Council consideration. Workshop would include data such as known number operating in the City, calls for service (if known) and type (noise), potential loss revenue, and what other cities are doing.</p>	<p>Oct 2024</p>	<p>Workshop will be scheduled in 1 Quarter 2025.</p>
		<p>Relying on feedback from workshop, develop policies and present to the Planning Commission (if required) and to the City Council for consideration.</p>	<p>Dec 2025</p>	<p>Workshop will be scheduled in 1 Quarter 2025.</p>



<b>Planning Study for the E. Main Street Area (between Madison Avenue and Walter Way)</b>  <i>Prepare a mixed-use overlay plan for the area, including public outreach and input, California Environmental Quality Act analysis, and consideration for adoption. The cost for such a study is approximately \$400,000 and will take about 18 months to complete.</i>	CD	Present the option to appropriate \$400,000 from the General Fund reserve to select a consulting firm to prepare a needs assessment, collect data, engage in community feedback and input, and draft the plan.	Jun 2024	On Hold, pending funding.
		If appropriated, complete procurement process.	Aug 2024	On hold, pending funding.
		Present draft Specific Plan to the Planning Commission.	Nov 2025	On hold, pending funding.
		Present draft Specific Plan to the City Council.	Dec 2025	On hold, pending funding.



City Council  
Agenda Report

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Vince DiMaggio, Assistant City Manager  
**SUBJECT:** Consider Amending Chapter 6 of the Municipal Code Pertaining to Dogs in the Superblock Area.

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**RECOMMENDATION:**

Staff recommends that the City Council provide direction on a possible Municipal Code amendment. If an amendment is desired, to remove the prohibition on dogs in the Superblock area, a proposed ordinance to repeal section 6.12.150 in its entirety is available for first reading and introduction in the "First Reading of Ordinances" section of this agenda.

**BACKGROUND:**

In 1997, the City Council added section 6.12.150 to the Municipal Code, prohibiting all dogs from the Civic Center and "Superblock" areas. At the time, Councilmembers expressed concern about dogs "fouling" the area after a substantial amount of redevelopment funds were spent enhancing the downtown.

Section 6.12.150 reads, in part, as follows: "*It is unlawful for any person to walk, carry, exercise control over or possession in any manner, a dog or dogs, licensed or unlicensed, on a leash or unleashed, at any time within any public facility or upon any public grounds in the Superblock, Expanded Civic Center, Judson Park, and Prescott Promenade areas...*"

With the passage of time, dogs have become a much more accepted part of the social fabric in the community and are seen frequently at community events. The use of dogs as service animals in a variety of capacities, which was virtually unheard of in 1997 (except for the visually-impaired) is now commonplace.

Over the past several months, discussions in online forums, as well as comments made to City staff by members of the public, have questioned why this prohibition remains in place. Dogs are frequently seen, leashed and under the control of their owners, every day in the Civic Center areas, as well as at special events that take place in Prescott Promenade. Additionally, while the prohibition is technically a violation of the Municipal Code, it is typically "more honored in the breach" than an actively enforced violation.

However, there is one nominal benefit to the prohibition: it can be used as a tool by the Police Department to disperse transient activity and encampments from Prescott Promenade and other areas of the downtown. Transients often have dogs as pets and often congregate in groups throughout the downtown. The ability to enforce this prohibition in these prominent areas is

perceived to have a public benefit in eliminating transient loitering. However, the Police Chief has indicated that repealing the ordinance will have no substantive adverse impacts for removing homeless encampments or individuals illegally using the area, due to their ability to use other statutes to accomplish the same purpose.

It does seem as though amending this code section, given the passage of time, should be a consideration in order to avoid an overly regulatory posture at a time when the City is looking to encourage increased pedestrian use of the downtown. To that end, staff prepared the following potential alternatives:

1. Repealing section 6.12.150 in its entirety. While this removes the prohibition of dogs in the Superblock and Civic Center areas in all circumstances, it also eliminates the section as a potential enforcement method to prevent disruptive transient activity. However, there are other statutes available for the police to disperse transient activity, such as the prohibition on camping. As previously noted, the Police Chief sees little value in retaining the regulation from a law enforcement perspective.
2. Take no action. Keeping the ordinance intact and unamended has the distinct disadvantage of not being able to permit dogs in the downtown areas during special events (for example, car shows, weekly concerts, HauntFest, America on Main Street, etc.).

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed ordinance is exempt from the California Environmental Quality Act ("CEQA"). In accordance with State CEQA Guidelines section 15061(b)(3), this activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Prepared By: Vince DiMaggio, Assistant City Manager

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager

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**City Council  
Agenda Report**

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Mayor Wells  
**SUBJECT:** Council Activity Report

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**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:

October 25, 2024 - SANDAG Board of Directors Meeting  
October 26, 2024 - ECTLC Event  
November 8, 2024 - SANDAG Board of Directors Meeting  
November 12, 2024 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Bill Wells, Mayor

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City Council  
Agenda Report

Agenda Item 15.

**DATE:** November 12, 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.

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**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:

October 21, 2024 - Phone call with Hany M re: CCC work  
October 23, 2024 - Women in Transit Awards Dinner  
October 24, 2024 - Emails with Tom M re: next door construction issues  
October 24, 2024 - Emails with Stephanie T re: asphalt left behind by contractor  
October 28, 2024 - Emails with City Manager re: bus stops  
November 2, 2024 - Grossmont Hospital Foundation Gala  
November 4, 2024 - Meeting with City Manager  
November 7, 2024 - MTS Executive Committee Meeting  
November 8, 2024 - SANDAG Board of Directors Meeting  
November 11, 2024 - Meeting with City Manager  
November 12, 2024 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Steve Goble, Councilmember

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City Council  
Agenda Report

Agenda Item 16.

**DATE:** November 12, 2024  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Councilmember Kendrick  
**SUBJECT: COUNCILMEMBER GARY KENDRICK**  
METRO Commission/Wastewater JPA; Heartland Communications;  
Heartland Fire Training JPA.

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**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:

October 31, 2024 - Metro Wastewater JPA Meeting  
November 7, 2024 - Metro Wastewater JPA Meeting  
November 12, 2024 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Councilmember

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City Council  
Agenda Report

Agenda Item 17.

**DATE:** November 12, 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.

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**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:

October 24, 2024 - Pregnancy Care Clinic Fundraising Event  
October 25, 2024 - American Public Works Association Awards Banquet  
November 2, 2024 - El Cajon Rec Council Volunteer Banquet  
November 5, 2024 - Panel Discussion on Youth Homelessness at El Cajon Collaborative  
November 11, 2024 - Veteran Memorial Event at City Hall  
November 12, 2024 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember

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City Council  
Agenda Report

Agenda Item 18.

**DATE:** November 12, 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.

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**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:

October 25, 2024 - East County Economic Development Council 40th Anniversary Celebration  
November 11, 2024 - Veteran of the Year Ceremony  
November 12, 2024 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Deputy Mayor

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City Council  
Agenda Report

**DATE:** November 12, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Morgan Foley, City Attorney

**SUBJECT:** Introduction of Ordinance to amend El Cajon Municipal Code Chapter 6.12 of Title 6 regarding dogs in the Superblock Area of El Cajon by repealing section 6.12.150

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**RECOMMENDATION:**

That the City Council:

1. Moves to introduce the next Ordinance, in order, to repeal section 6.12.150 of Chapter 6.12 of Title 6 of the El Cajon Municipal Code;
2. Directs the City Clerk to read the Ordinance by title only; and
3. Directs the second reading of the Ordinance to be placed on the December 10, 2024 City Council agenda.

**BACKGROUND:**

In 1997, the City Council added section 6.12.150 to the El Cajon Municipal Code ("ECMC"), prohibiting all dogs from the Civic Center and "Superblock" areas. With the passage of time, dogs have become a much more accepted part of the social fabric in the community and are seen frequently at community events. The use of dogs as service animals in a variety of capacities, which was virtually unheard of in 1997 (except for the visually-impaired), is now commonplace.

Staff has presented a report at this meeting (Agenda Report No. 12) explaining the shift in feelings related to allowing dogs in the Superblock area, with or without specific restrictions. Agenda Report No. 12 recommends modifying the ECMC by repealing section 6.12.150 in its entirety, leaving the regulation of dogs in the Superblock to the citywide regulations remaining in Title 6.

Another option is to leave the prohibition of dogs in the Superblock area. No first reading would be necessary if that is the City Council's desire.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The proposed ordinance is exempt from the California Environmental Quality Act ("CEQA"). In accordance with State CEQA Guidelines section 15061(b)(3), this activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FISCAL IMPACT:

None.

Prepared By: Holly Savage

Reviewed By: Morgan Foley, City Attorney

Approved By: Graham Mitchell, City Manager

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Attachments

Ordinance to Repeal 6.12.150

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF EL CAJON, CALIFORNIA  
REPEALING SECTION 6.12.150 OF CHAPTER 6.12  
OF TITLE 6 OF THE EL CAJON MUNICIPAL CODE  
TO PERMIT DOGS IN THE SUPERBLOCK AREA OF EL CAJON

THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.12.150 of the El Cajon Municipal Code, including each and every subsection therein, is hereby repealed in its entirety.

SECTION 2. This ordinance shall go into effect thirty (30) days following its passage and adoption.

11/12/24 CC Agenda – 1<sup>st</sup> Reading  
12/10/24 CC Agenda – 2<sup>nd</sup> Reading

Ord - Amend ECMC 6.12 – Repeal 6.12.150 – Dogs in Superblock 103024



City Council  
Agenda Report

Agenda Item 20.

**DATE:** November 12, 2024

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Morgan Foley, City Attorney

**SUBJECT:** Introduction of Ordinance to Amend ECMC Chapter 8.32 – Regulation of Smoking and Secondhand Smoke in Certain Public Areas and Places of Employment, and Chapter 8.33 - Licensure of Tobacco Retailers

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**RECOMMENDATION:**

That the City Council:

1. Moves to introduce the next Ordinance, in order;
2. Directs the City Clerk to read the Ordinance by title only; and
3. Directs the second reading of the Ordinance to be placed on the December 10, 2024 City Council agenda.

**BACKGROUND:**

As of December 20, 2019, the federal minimum age of sale for tobacco products was changed from 18 to 21 with no exemptions, including military personnel.

Staff recommends amending sections 8.32.010, 8.32.020 and 8.32.030 of Chapter 8.32, and subsection 8.33.090(A)(5) of section 8.33.090 of Chapter 8.33 to reflect the correct age requirement and clarify language in the El Cajon Municipal Code.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The proposed ordinance amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

**FISCAL IMPACT:**

None.

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Attachments

Ord - Amend ECMC 8.32 & 8.33  
Proposed Changes to 8.32 & 8.33

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND SECTIONS 8.32.010, 8.32.020 and 8.32.030 OF CHAPTER 8.32 OF TITLE 8 OF THE EL CAJON MUNICIPAL CODE RELATING TO REGULATION OF SMOKING AND SECONDHAND SMOKE IN CERTAIN PUBLIC AREAS AND PLACES OF EMPLOYMENT, AND TO AMEND SUBSECTION 8.33.090(A)(5) OF CHAPTER 8.33 OF TITLE 8 OF THE EL CAJON MUNICIPAL CODE RELATING TO LICENSURE OF TOBACCO RETAILERS

THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.32.010 of Chapter 8.32 of Title 8 of the El Cajon Municipal Code is hereby repealed in its entirety.

SECTION 2. A new section 8.32.010 is hereby added to Chapter 8.32 of Title 8 of the El Cajon Municipal Code to read as follows:

**8.32.010 Purpose.**

Smoking of any tobacco product or any other weed or plant is a positive danger to health and a cause of material annoyance, inconvenience, discomfort, and a health hazard to those who are present in confined places. Secondhand smoke is harmful to persons with certain respiratory conditions, and has also been determined to cause cancer to nonsmokers exposed to secondhand smoke on a frequent basis. The United States Surgeon General and the United States Department of Health and Human Services found that a majority of the four hundred thirty-four thousand Americans that die each year from tobacco-related illness, and who smoked, became nicotine addicts before their twenty-first birthday.

In order to serve public health, safety and welfare, to reduce unwanted and unwelcome exposure to secondhand smoke, to assure a cleaner and more hygienic environment for the city, its residents, and visitors, to strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children and persons with existing respiratory conditions (while recognizing the threat to public health and the environment which smoking causes), and to decrease the accessibility of tobacco, tobacco-related products, and electronic vapor inhalation substances and devices, the declared purposes of this chapter are (1) to prohibit the smoking of tobacco or any other weed or plant or plant product or electronic vapor device in certain areas which are used by or open to the public, and certain areas in places of employment; (2) prohibit self-service sales and self-service displays, racks and shelves of tobacco products, and electronic vapor devices and electronic vapor inhalation substances; (3) require the posting of warning signs at the point of purchase which state the legal age of sale and that identification is required to purchase tobacco and electronic vapor devices and electronic vapor inhalation substances; (4)

prohibit vending machine sales of tobacco products; and (5) require all tobacco products and electronic vapor devices and electronic vapor inhalation substances be sold in original packaging with all legally required health warnings.

SECTION 3. Section 8.32.020 of Chapter 8.32 of Title 8 of the El Cajon Municipal Code is hereby amended by replacing the definitions of "Minor" and "Tobacco product" to read as follows:

"Minor" means any individual who is less than twenty-one years old.

"Tobacco product" means (1) any product containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, shisha, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human lungs or mouth; (3) any electronic vapor device, electronic vapor inhalation substance, and hookahs; or (4) any plant, weed, or plant product that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human lungs or mouth, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

SECTION 4. Subsections 8.32.030(A) and 8.32.030(B) of section 8.32.030 of Chapter 8.32 of Title 8 of the El Cajon Municipal Code are hereby repealed in their entirety.

SECTION 5. New subsections 8.32.030(A) and 8.32.030(B) are hereby added to section 8.32.030 of Chapter 8.32 of Title 8 of the El Cajon Municipal Code to read as follows:

- A. No person or business shall offer for sale any tobacco product prior to prominently displaying a sign at the point of purchase of tobacco products that states: "SELLING TOBACCO PRODUCTS TO PERSONS YOUNGER THAN TWENTY-ONE YEARS OF AGE IS ILLEGAL. PHOTO ID IS REQUIRED TO PURCHASE ANY TOBACCO PRODUCT." The letters of the sign shall be at least one-quarter inch high.
- B. No person, business, tobacco retailer, or owner, manager, or operator of any establishment subject to this chapter shall sell, offer to sell, or permit to be sold any tobacco product to an individual without first examining identification that establishes the purchaser's age as at least twenty-one years.

SECTION 6. Subsection 8.33.090(A)(5) of section 8.33.090 of Chapter 8.33 of Title 8 of the El Cajon Municipal Code is hereby repealed in its entirety.

SECTION 7. A new subsection 8.33.090(A)(5) is hereby added to section 8.33.090 of Chapter 8.33 of Title 8 of the El Cajon Municipal Code to read as follows:

5. A tobacco retailer with a suspended or revoked license:
  - a. Shall remove all tobacco products and tobacco paraphernalia from public view; and
  - b. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products at the tobacco retailer location or that would lead a reasonable consumer to believe that such products can be obtained at the tobacco retailer location, including any use of the terms, "tobacco," or "smoke shop," or similar references in the name of the business operated by the tobacco retailer.

Provided, however, that instead of complying with subsections (a) and (b) of this section, the tobacco retailer may elect to post a clear and legible sign at each point of sale and at every public entrance stating in seventy-two point type or larger: "TOBACCO PRODUCTS NOT FOR SALE because this store has violated a public health law regulating tobacco" and such signs must be present and remain free of obstructions for the entire duration of the suspension period.

SECTION 8. This ordinance shall go into effect thirty (30) days following its passage and adoption.

11/12/24 CC Agenda – 1<sup>st</sup> Reading

12/10/24 CC Agenda – 2<sup>nd</sup> Reading

Ord - Amend ECMC 8.32 & 8.33 – Regulation of Smoking-2ndHand Smoke & Tobacco Licensure 092524

## Proposed Strikethrough Changes

### TITLE 8 HEALTH AND SAFETY

#### Chapter 8.32 Regulation of Smoking and Secondhand Smoke in Certain Public Areas and Places of Employment

##### 8.32.010 Purpose.

Smoking of any tobacco product or any other weed or plant is a positive danger to health and a cause of material annoyance, inconvenience, discomfort, and a health hazard to those who are present in confined places. Secondhand smoke is harmful to persons with certain respiratory conditions, and has also been determined to cause cancer to nonsmokers exposed to secondhand smoke on a frequent basis. The United States Surgeon General and the United States Department of Health and Human Services found that a majority of the four hundred thirty-four thousand Americans that die each year from tobacco-related illness, and who smoked, became nicotine addicts before their ~~eighteenth~~-twenty-first birthday.

In order to serve public health, safety and welfare, to reduce unwanted and unwelcome exposure to secondhand smoke, to assure a cleaner and more hygienic environment for the city, its residents, and visitors, to strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children and persons with existing respiratory conditions (while recognizing the threat to public health and the environment which smoking causes), and to decrease the accessibility of tobacco, tobacco-related products, and electronic vapor inhalation substances and devices, the declared purposes of this chapter are (1) to prohibit the smoking of tobacco or any other weed or plant or plant product or electronic vapor device in certain areas which are used by or open to the public, and certain areas in places of employment; (2) prohibit self-service sales and self-service displays, racks and shelves of tobacco products, and electronic vapor devices and electronic vapor inhalation substances; (3) require the posting of warning signs at the point of purchase which state the legal age of sale and that identification is required to purchase tobacco and electronic vapor devices and electronic vapor inhalation substances; (4) prohibit vending machine sales of tobacco products; and (5) require all tobacco products and electronic vapor devices and electronic vapor inhalation substances be sold in original packaging with all legally required health warnings.

##### 8.32.020 Definitions.

"Minor" means any individual who is less than ~~eighteen~~-twenty-one years old.

"Tobacco product" means (1) any product containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, shisha, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; ~~and~~ (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the



expectation that the product or matter will be introduced into the human lungs or mouth; (3) any electronic vapor device, electronic vapor inhalation substance, and hookahs; or (4) any plant, weed, or plant product that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human lungs or mouth, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

### **8.32.030(A) and (B) Prohibitions.**

- A. No person or business shall offer for sale any tobacco product prior to prominently displaying a sign at the point of purchase of tobacco products that states: "SELLING TOBACCO PRODUCTS TO PERSONS YOUNGER THAN ~~EIGHTEEN~~ TWENTY-ONE YEARS OF AGE IS ILLEGAL. PHOTO ID IS REQUIRED TO PURCHASE ANY TOBACCO PRODUCT." The letters of the sign shall be at least one-quarter inch high.
- B. No person, business, tobacco retailer, or owner, manager, or operator of any establishment subject to this chapter shall sell, offer to sell, or permit to be sold any tobacco product to an individual without first examining identification that establishes the purchaser's age as at least ~~eighteen~~ twenty-one years ~~unless the seller has some reasonable basis for determining the buyer's age.~~

## **Chapter 8.33 Licensure of Tobacco Retailers.**

### **8.33.090(A)(5) Penalties for violation.**

- 5. A tobacco retailer with a suspended or revoked license:
  - a. Shall remove all tobacco products and tobacco paraphernalia from public view; and
  - b. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products at the tobacco retailer location or that would lead a reasonable consumer to believe that such products can be obtained at the tobacco retailer location, including any use of the terms, "tobacco," or "smoke shop," or similar references in the name of the business operated by the tobacco retailer; ~~;~~
  - ~~c. Except in the case of a first or second suspension within any thirty-six month period, instead of complying with subsections (a) and (b) of this section, the tobacco retailer may elect to post a clear and legible sign at each point of sale and at every public entrance stating in seventy-two point type or larger: "TOBACCO~~

~~PRODUCTS NOT FOR SALE because this store has violated a public health law regulating tobacco" and such signs must be present and remain free of obstructions for the entire duration of the suspension period.~~

Provided, however, that instead of complying with subsections (a) and (b) of this section, the tobacco retailer may elect to post a clear and legible sign at each point of sale and at every public entrance stating in seventy-two point type or larger: "TOBACCO PRODUCTS NOT FOR SALE because this store has violated a public health law regulating tobacco" and such signs must be present and remain free of obstructions for the entire duration of the suspension period.



City Council  
Agenda Report

Agenda Item 21.

**DATE:** November 12, 2024

**TO:** City Clerk

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

**SUBJECT:** Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Anthony P. Crum v. City of El Cajon, and Does 1-20, inclusive; Superior Court of California, County of San Diego; Case No.: 24CU010745C

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**RECOMMENDATION:**

That the following Closed Session be scheduled for the Joint City Council / Housing Authority / Successor Agency to the El Cajon Redevelopment Agency meeting on Tuesday, November 12, 2024, at 3:00 p.m.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –** pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9:

**NAME OF CASE:**

Anthony P. Crum v. City of El Cajon, and Does 1-20, inclusive  
Superior Court of California, County of San Diego  
Case No.: 24CU010745C

**MORGAN L. FOLEY**

City Attorney/General Legal Counsel

MLF:hms

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City Council  
Agenda Report

Agenda Item 22.

**DATE:** November 12, 2024  
**TO:** City Clerk  
**FROM:** City Attorney/General Legal Counsel  
**SUBJECT:** Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property:  
APN 487-331-22-00  
425 W. Main Street

Negotiating Party:  
Jala, Inc.  
Hitesh C. Patel, CEO

City Negotiators:  
City Manager  
Assistant City Manager  
City Attorney

Under Negotiation:  
Price and terms of payment for acquisition of property

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**RECOMMENDATION:**

That the following Closed Session be scheduled for the Joint City Council / Housing Authority / Successor Agency to the El Cajon Redevelopment Agency meeting on Tuesday, November 12, 2024, at 3:00 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS – pursuant to Government Code section 54956.8.

Conference with real property negotiators is not a project subject to the California Environmental Quality Act (CEQA) because it is a procedural, administrative step in the process.

Morgan L. Foley  
City Attorney/General Legal Counsel

MLF:hms



City Council  
Agenda Report

**DATE:** November 12, 2024  
**TO:** City Clerk  
**FROM:** City Attorney/General Legal Counsel  
**SUBJECT:** Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property:  
Parkway Plaza  
APN 482-270-56-00  
APN 482-270-35-00  
APN 482-270-42-00

Negotiating Parties:  
Star-West Parkway Mall LP  
Penney Property Sub Holdings LLC  
Star-West Parkway Mall LP

City Negotiators:  
City Manager  
Assistant City Manager  
City Attorney

Under Negotiation:  
Price and terms of payment for acquisition of property

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**RECOMMENDATION:**

That the following Closed Session be scheduled for the Joint City Council / Housing Authority / Successor Agency to the El Cajon Redevelopment Agency meeting on Tuesday, November 12, 2024, at 3:00 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS – pursuant to Government Code section 54956.8.

Conference with real property negotiators is not a project subject to the California Environmental Quality Act (CEQA) because it is a procedural, administrative step in the process.

Morgan L. Foley  
City Attorney/General Legal Counsel

MLF:hms

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