

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



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

February 24, 2015

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the Redevelopment Agency of the City of El Cajon, California held Tuesday, February 24, 2015, was called to order by Mayor/Chair Bill Wells at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint meeting held at 7:00 p.m. on February 10, 2015.

ROLL CALL

Council/Agencymembers present:	Ambrose, Bales and Kendrick
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	McClellan
Mayor/Chair present:	Wells
Other Officers present:	Hawley, City Clerk/Secretary Foley, City Attorney/General Counsel Williford, City Manager/Executive Director Al-Ghafry, Assistant City Manager

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

POSTINGS: The City Clerk posted Orders of Adjournment of the February 10, 2015, meetings and the Agenda of the February 24, 2015, meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

- **Neighborhood Watch Program**
- **Mid-Year Report and Five-Year Business Plan**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.7)

**MOTION BY McCLELLAN, SECOND BY BALES, to APPROVE
Consent Items 1.1 to 1.7.**

MOTION CARRIES BY UNANIMOUS VOTE.

**1.1 MINUTES OF CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR
AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY**

Approve Minutes of the February 10, 2015 Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

1.2 WARRANTS

Approve payment of Warrants as submitted by the Finance Department.

**1.3 APPROVAL OF READING BY TITLE AND WAIVER OF READING IN FULL
OF ORDINANCES ON AGENDA**

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

**1.4 2014 SAN DIEGO COUNTY STONEGARDEN COLLABORATIVE GRANT
(Report: Chief of Police)**

Authorize the City Manager or designee to accept the 2014 San Diego County Stonegarden Collaborative Grant in the amount of \$104,000, and to execute any grant documents and agreements necessary for the receipt and use of these funds; and appropriate these funds in the amount of \$25,000 for overtime and fringe benefits, and \$79,000 to purchase a fully outfitted patrol vehicle and License Plate Reader (LPR), for a total of \$104,000.

CONSENT ITEMS: (Continued)

1.5 RESOLUTION: AWARD OF BID NO. 031-15, TRAFFIC SIGNAL HEAD UPGRADES CITYWIDE (Report: Purchasing Agent)

Adopt RESOLUTION No. 015-15 awarding the bid to the lowest responsive, responsible bidder, HMS Construction, Inc., in the amount of \$268,737.00.

1.6 RESOLUTION: AMENDMENT TO THE 2014 Five (5) YEAR REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP No. 14-03) (Report: Deputy Director of Public Works)

Adopt RESOLUTION No.016-15 to approve the amendment to the 2014 Five (5) Year RTIP.

1.7 RESOLUTION: AUTHORIZATION FOR ARCHITECTURAL SERVICES (Report: Assistant City Manager)

Adopt RESOLUTION No. 017-15 to approve \$55,000 in Architectural Design Services for consulting services of plans and specifications for the Fletcher Hills Pool Renovation project.

Students in the audience from Valhalla High School introduced themselves to **Council**.

PUBLIC COMMENT:

Kenneth Kestner spoke about being harassed by gangs and would like the opportunity to speak with the El Cajon Police Department. He presented a written list of concerns to **Council**.

Ray Lutz expressed his disappointment in the way negotiations for ECPAC have been handled.

Michael Stowers gave update on the upcoming St. Patrick's Day Half Marathon on Sunday, March 15, 2015. He thanked the Council for their support and invited the Council and the community to participate.

Mayor Pro Tem McClellan expressed his regrets for not attending the services for **Ron Pennock**, due to health issues.

2. **WRITTEN COMMUNICATIONS: None**

3. **PUBLIC HEARINGS:**

3.1 **DELINQUENT REFUSE COLLECTION CHARGES
(Report: Deputy Director of Public Works)**

RECOMMENDATION: That the City Council:

- Open the Public Hearing and receive testimony;
- Close the Public Hearing;

THEN

- Adopt the next RESOLUTIONS in order certifying the list of property owners as delinquent in the payment of their mandatory trash service bills; and,
- Authorize the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

DISCUSSION

Public Hearing is now Open.

Assistant City Manager Al-Ghafry introduced the Item to the Council.

A speaker card was turned in by **Mr. Ali Hussainy** but he did not speak at the meeting.

Elmer Heap, Waste Management Manager, indicated that the account at 1762 Woodburn Street, belonging to Mr. Hussainy, may be adjusted, and requested a couple of days to clarify the situation.

No further comments were offered.

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

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Item 3.1 – Continued)

MOTION BY McCLELLAN, SECOND BY AMBROSE, to ADOPT RESOLUTIONS NOS. 018-15A, 018-15B, 018-15C, 018-15D, 018-15E, 018-15F, 018-15G and 018-15H, certifying the list of property owners as delinquent in the payment of their mandatory trash service bills; and, Authorize the City Clerk to record the amount owed as a lien on the property and forward a list to the County Tax Assessor for billing on the next property tax bill.

MOTION CARRIES BY UNANIMOUS VOTE.

**3.2 REGULATORY STREAMLINING – SPECIFIC PLAN NO. 182 AMENDMENT
(Report: Planning Manager)**

RECOMMENDATION: That the City Council:

- Open the public hearing and receive testimony;
- Close the public hearing;

THEN

- Make a MOTION, and second to introduce the Ordinance;
- Discussion;
- Vote;
- If approved, the City Clerk recites the title:

An Ordinance Amending Specific Plan No. 182 to Streamline the Development Permit Process

DISCUSSION

City Manager Williford introduced the Item to the Council.

Planning Manager Anthony Shute presented information about the Item.

Councilmember Kendrick spoke in support of the project.

Mayor Wells announced the Public Hearing is now Open.

Eric Lund representing the San Diego East County Chamber of Commerce spoke in support of the item.

Ray Lutz, representing Citizens Oversight.org, indicated he did not support the changes and felt projects in public spaces should be brought forward to **Council**.

PUBLIC HEARINGS: (Item 3.2 – Continued)

No further comments were offered.

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

MOTION CARRIES BY UNANIMOUS VOTE.

Mayor Wells, Councilmember Ambrose and Councilmember Bales spoke in support of the streamlining procedures of the development permit process.

MOTION BY BALES, SECOND BY McCLELLAN, to INTRODUCE an Ordinance Amending Specific Plan No. 182 to Streamline the Development Permit Process.

MOTION CARRIES BY UNANIMOUS VOTE.

City Clerk Hawley recited the title of the ordinance for a first reading:

An Ordinance Amending Specific Plan No. 182 to Streamline the Development Permit Process

**3.3 FY 2015-16 CDBG AND HOME ALLOCATIONS
(Report: City Manager)**

RECOMMENDATION: That the City Council

- Open the public hearing and accept public testimony;
- Accept public input for the FY 2015-16 One-Year Action Plan;
- Close the public hearing;

THEN

- Allocate funds to projects and programs that will be funded from the FY 2015-16 Community Development Block Grant (CDBG) and HOME grant programs.

DISCUSSION

Mayor Pro Tem Kendrick disqualified himself due to his spouse's employment by the Home of Guiding Hands, which is a source of income to his family. He left the Chambers at 3:54 p.m.

Assistant City Manager Al-Ghafry introduced **Senior Management Analyst Jamie Kasvikis**, and presented the Item to **Council**.

PUBLIC HEARINGS: (Item 3.3 – Continued)

In response to questions from **Councilmember Ambrose** and **Mayor Wells, Assistant City Manager Al-Ghafry** spoke about the costs for LED lighting, the number of City-owned lights and the average life cycle for LED lights.

Discussion ensued among **Council** and **Staff** concerning the request for funding of the solar panel project at the East County Transitional Living Center (ECTLC), renovations for Wells Park, and the benefits of installing LED lights.

Mayor Wells announced the Public Hearing is now Open.

The following people spoke in support of their requests for funding:

Phillip Stuzman – Angel’s Depot

Estela De Los Rios – CSA San Diego County

Marion Mann – Meals on Wheels, Greater San Diego

Harold Brown – El Cajon Transitional Living Center (ECTLC)

Sarah Brenha – Home of Guiding Hands

Deborah Martin – ElderHelp

Ray Lutz indicated he has not seen the objective type of analysis of how well the programs are doing, and how the money is being spent. He suggested that the groups work together to avoid an overlap in services to the community. He additionally commented that ECTLC apparently does religious indoctrination, but they should stay away from religious proselytizing, if they are using government money.

City Attorney Foley stated that discussions have been held just about every year with ECTLC, and any monies they have been given are closely monitored to make certain they don’t run afoul of the constitutional prohibition. ECTLC has been forthright about providing information and the City is confident there is no problem.

Mayor Wells inquires about the success rate of participants at ECTLC. **Harold Brown** returned to the podium to respond to the questions and indicated that not all help given is Christian based.

No further comments were offered.

PUBLIC HEARINGS: (Item 3.3 – Continued)

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

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(KENDRICK – Disqualified)**

MOTION BY McCLELLAN, SECOND BY AMBROSE, to APPROVE the tentative CDBG allocations in the Administration Category, as recommended by Staff.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(KENDRICK – Disqualified)**

MOTION BY McCLELLAN, SECOND BY AMBROSE, to APPROVE the tentative CDBG allocations in the Public Facilities/Capital/Other category, as recommended by Staff.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(KENDRICK – Disqualified)**

MOTION BY WELLS, SECOND BY AMBROSE, to APPROVE the tentative CDBG allocations in the Public Services category, as recommended by Staff, with the exception of reducing the City - Police Services allocation to \$53,976.00, and to tentatively allocate the requested amount of \$20,000.00 to the Angel's Depot for Emergency Food Distribution to Seniors program.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(KENDRICK – Disqualified)**

MOTION BY AMBROSE, SECOND BY McCLELLAN, to APPROVE the tentative HOME allocations in the Administration category, as recommended by Staff.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(KENDRICK – Disqualified)**

MOTION BY AMBROSE, SECOND BY McCLELLAN, to APPROVE the tentative HOME allocations in the CHDO Reserve category, as recommended by Staff.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(KENDRICK – Disqualified)**

PUBLIC HEARINGS: (Item 3.3 – Continued)

MOTION BY BALES, SECOND BY AMBROSE, to APPROVE the tentative HOME allocations in the Entitlement Programs category, as recommended by Staff.

**MOTION CARRIES BY UNANIMOUS VOTE OF THOSE PRESENT.
(KENDRICK – Disqualified)**

Councilmember Kendrick returned to the Chambers at 4:54 p.m.

*Recess called at 4:54 p.m.
Meeting called back to order at 5:02 p.m.*

4. ADMINISTRATIVE REPORTS:

4.1 REJECTION OF BID NO. 030-15, FIRE STATION #6 RENOVATION AND CITY HALL MODERNIZATION (Report: Assistant City Manager)

RECOMMENDATION: That the **City Council** adopts the next RESOLUTION in order, to reject all bids; finding that rejection of all bids renders moot all bid protests; authorize rebidding with revised specifications; and authorizing the City Manager to enter into a sole source contract for the purchase and installation of the Westnet Fire Alarm Alerting System for Fire Station No. 6.

DISCUSSION

Assistant City Manager Al-Ghafry presented the Item to **Council** and explained the reasons for rejecting all bids.

Danielle Stevens, representing M.A. Stevens Construction, provided a handout to Council and spoke against the City's decision to City to reject the bids. She suggested that not all bids be rejected, and that the bid be awarded to the lowest responsive bidder: M.A. Stevens Construction.

Discussion ensued between **Staff** and **Council** concerning:

- The need to ensure a level bidding field for all contractors;
- The need to remove from the bid, the Westnet fire alarm system, which is furnished and only installed by the manufacturer.

ADMINISTRATIVE REPORTS: (Item 4.1 – Continued)

In response to questions from **Mayor Wells**, **City Attorney Foley** indicated the real question is about fairness, and it is felt that after analyzing the situation, the documents were not fair enough for each bidder to make an appropriate and responsive bid. The recommendation is to reject all bids, as is the City's prerogative, according to California law, and rules on the bid documents as well.

Councilmembers concurred with the recommendation from **Staff**.

No one else came forward to speak.

MOTION BY BALES, SECOND BY McCLELLAN, to ADOPT RESOLUTION No. 019-15, to reject all bids; finding that rejection of all bids renders moot all bid protests; authorize rebidding with revised specifications; and authorizing the City Manager to enter into a sole source contract for the purchase and installation of the Westnet Fire Alarm Alerting System for Fire Station No. 6.

MOTION CARRIES BY UNANIMOUS VOTE.

5. COMMISSION REPORTS: None

6. ACTIVITIES REPORTS OF MAYOR WELLS/COMMENTS

SANDAG (San Diego Association of Governments); SANDAG Public Safety Committee – Chair; League of California Cities, San Diego Division; Heartland Fire Training JPA – Alternate; Indian Gaming Local Community Benefit Committee.

6.1 Council Activities Report/Comments

REPORT AS STATED.

6.2 LEGISLATIVE REPORT: No recommended action.

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ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

7.1 Council Activities Report/Comments

REPORT AS STATED.

8.

COUNCILMEMBER TONY AMBROSE

SANDAG – Alternate; SANDAG Public Safety Committee – Alternate; Chamber of Commerce – Government Affairs; MTS (Metropolitan Transit System Board) – Alternate; East County Economic Development Council; METRO Commission/Wastewater JPA.

8.1 Council Activities Report/Comments

REPORT AS STATED.

9.

MAYOR PRO TEM BOB McCLELLAN

MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications JPA – Alternate.

9.1 Council Activities Report/Comments

REPORT AS STATED.

10.

COUNCILMEMBER STAR BALES

East County Economic Development Council – Alternate; METRO Commission/Wastewater JPA – Alternate; Indian Gaming Local Community Benefit Committee – Alternate.

10.1 Council Activities Report/Comments

In addition to the submitted report, **Councilmember Bales** stated she attended the Veterans' Commission Meeting. **Councilmember Ambrose** also praised the work being done by the Veterans' Commission.

11. **JOINT COUNCILMEMBER REPORTS: None**

12. **GENERAL INFORMATION ITEMS FOR DISCUSSION: None**

13. **ORDINANCES: FIRST READING**

13.1 **AMENDMENT TO THE MUNICIPAL CODE TO ESTABLISH SPECIFIC PROCEDURES TO SOLICIT, QUALIFY, EVALUATE, SELECT AND AWARD OF PUBLIC CONSTRUCTION CONTRACTS (Report: Deputy Director of Public Works)**

RECOMMENDATION: That the **City Council** approves for introduction, an ordinance to establish specific procedures to solicit, qualify, evaluate, select, and award, public construction contracts. If approved, the Mayor requests the City Clerk to recite the title of the ordinance for a First Reading.

- Make a MOTION, and second to introduce the Ordinance;
- Discussion;
- Vote;
- If approved, the City Clerk recites the title:

DISCUSSION

Assistant City Manager Al-Ghafry introduced the Item to Council.

Councilmember Ambrose spoke in support of the item.

No further comments were offered.

MOTION BY McCLELLAN, SECOND BY AMBROSE, to INTRODUCE the Ordinance to amend the Municipal Code to establish specific procedures to solicit, qualify, evaluate, select and award of public construction contracts.

MOTION CARRIES BY UNANIMOUS VOTE.

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

An Ordinance of the City Council of the City of El Cajon Amending Title 2 by Adding Chapter 2.80 to the El Cajon Municipal Code to Establish Alternative Procurement Procedures for Public Projects

14. ORDINANCES: SECOND READING AND ADOPTION: None

15. CLOSED SESSION

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

15.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – pursuant to Section 54956.8 of the Government Code:

<u>Property</u>	<u>Negotiating Parties</u>	<u>Agency Negotiator</u>
APN #488-111-28-00 A portion of City-owned property (ECPAC Theater)	Rock Church Mark W. Stevens	City Manager Assistant City Manager City Attorney

Under negotiation: For the Agency/Council to provide instructions to its negotiators regarding the price and terms for the potential lease of property owned by the City.

DISCUSSION

Bonnie Price spoke against the Closed Session discussion regarding ECPAC.

Ray Lutz, representing Citizens Oversight.org, stated the discussions, other than price and payment terms, should be in open discussion. He stated that the City is in violation of the Brown Act by discussing the matters relating to ECPAC in Closed Session.

Mayor Wells consulted with **City Attorney Foley** to clarify if any of the accusations made by Mr. Lutz have merit.

City Attorney Foley addressed the points made by **Mr. Lutz**, and clarified that the Brown Act is in no way being violated.

MOTION BY McCLELLAN, SECOND BY AMBROSE, to ADJOURN to Closed Session at 5:32 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 5:49 P.M.

City Attorney Foley reports the following actions:

- 15.1 Price and terms were discussed and direction was given to the Real Property Negotiators.

ADJOURNMENT: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the Redevelopment Agency held this 24th day of February, 2015, at 5:50 p.m. to Tuesday, March 10, 2015 at 3:00 p.m.

BELINDA A. HAWLEY, CMC
City Clerk/Secretary