

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



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

May 12, 2015

A 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, May 12, 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.

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 April 28, 2015, meeting and the Agenda of the May 12, 2015, meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

- **2015 San Diego County Fair**
- **Youth of the Year Award**
- **PROCLAMATION: Bike to Work Day**
- **PROCLAMATION: National Public Works Week**
- **PROCLAMATION: Building Safety Month**
- **Recognitions: Monica Zech**

AGENDA CHANGES: None

CONSENT ITEMS: (1.1 – 1.7)

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

Approve Minutes of the April 28, 2015 Meeting 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 PULLED FOR DISCUSSION.

CONSENT ITEMS: (Continued)

1.5 2015 REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (Report: City Manager)

Review and accept the 2015 San Diego Regional Analysis of Impediments (AI) to Fair Housing Choice and authorize the City Manager or designee to certify its completion, submit the Plan to HUD upon request, and execute all affiliated documents.

1.6 JANUARY – MARCH 2015 QUARTERLY TREASURER’S REPORT (Report: Director of Finance and Treasurer)

Receive the Treasurer’s Report for the quarter ending March 31, 2015.

1.7 RESOLUTION: ALL-WAY STOP SIGN REQUEST ON TAFT AVENUE AT CAMDEN AVENUE (Report: Deputy Director of Public Works)

Adopt RESOLUTION NO. 041-15 to establish permanent all-way stop signs on Taft Avenue at the intersection of Camden Avenue in order to enhance safe and efficient pedestrian and traffic flow.

PULLED FOR DISCUSSION:

1.4 RESOLUTION: AWARD OF BID NO. 033-15, East County Performing Arts Center (ECPAC) Improvements – Re-Roofing Project (Report: Purchasing Agent)

RECOMMENDATION: That the City Council:

- Find that the bid of the first low bidder, Good-Men Roofing and Construction, Inc., is non-responsive for failure to perform at least fifty percent (50%) of the contract work.
- Based on the above, adopt RESOLUTION NO. 040-15 to award the bid to the lowest responsive, responsible bidder, Commercial & Industrial Roofing Co., Inc., in the amount of \$168,750.00.

CONSENT ITEMS: (Item 1.4 - Continued)

DISCUSSION

Art Ballantyne submitted a hand out to **Council** and spoke about the upcoming renovations to El Cajon Performing Arts Center. He requested replacement of the orchestra shell.

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

MOTION CARRIES BY UNANIMOUS VOTE.

PUBLIC COMMENT:

David Miyashiro, Superintendent for the El Cajon Valley Union School District, spoke about Cajon Valley's Got Talent! event, where **Mayor Wells** will participate as a guest judge. In addition he presented a video about an upcoming youth-gearred conference 'TedxKids'.

Brenda Hammond praised a local car company who gave excellent customer service. The company belonged to **Mayor Pro Tem McClellan**.

Ray Lutz, Citizens Oversight, spoke about Monsanto, a pesticide company. He requested the City not use their products as he feels it is not safe. He offered the services of Citizens Oversight for anyone who would like to serve as a 'whistle blower'.

Sunshine Horton spoke about her upcoming 70th birthday celebration. She also shared comments about Miranda Rights and Pismo Beach, how their names came to be.

Monica Zech invited the community to the upcoming event 'America on Main Street', Saturday, May 16, 2015.

2. WRITTEN COMMUNICATIONS: None

3. PUBLIC HEARINGS: None

4. ADMINISTRATIVE HEARINGS:

4A SKY FUEL – DEEMED APPROVED ADMINISTRATIVE HEARING – APPEAL OF PLANNING COMMISSION DECISION (Report: Planning Manager)

RECOMMENDATION: That the **City Council:** Conduct the administrative hearing; and Move to adopt the next RESOLUTIONS in order DENYING the appeal and REVOKING Sky Fuel's Deemed Approved Status and ADDING new alcohol sales operating standards and conditions.

DISCUSSION

City Attorney Foley introduced the Item and described the process for the Administrative Hearing. The following witnesses were sworn in:

Appellant's witness list:

Nash Maroki
Mae Gappy
Rayan Rofael
Martin Audesh
Awsam Antwan
William A. Adams

City's witness list:

City Manager, Douglas Williford
Assistant City Manager, Majed Al-Ghafry
Police Chief, Jim Redman
Planning Manager, Anthony Shute

Planning Manager Anthony Shute gave opening remarks and explained the basis for the Planning Commission's decision to revoke Sky Fuel's Deemed Approved Status and add new alcohol sales operating standards and conditions on Conditional Use Permit No. 526.

Police Chief Redman spoke about the 'Minor Decoy Program' used in the City of El Cajon used to reduce the sale of alcoholic beverages to minors. He gave details about the decoy operation at the Sky Fuel Station, which sold to a minor on two occasions. He responded to questions from **Council** concerning sting operations from the Alcoholic Beverage Control (ABC) and the decoy operation used at Sky Fuel.

Mr. William Adams, attorney for the appellant, crossed-examined **Chief Redman** in regards to the decoy program implemented in El Cajon.

ADMINISTRATIVE HEARINGS: (Item 4-A Continued)

Planning Manager Anthony Shute provided additional information on the violations committed by Sky Fuel's employee.

City Attorney Foley stated that the two other witnesses sworn in for the City, **City Manager Williford** and **Assistant City Manager Al-Ghafry** are available for rebuttal, not to offer testimony in this case.

Cross-examination between **Council, Planning Manager Shute** and **Mr. Adams** proceeds regarding letters sent to Sky Fuel about training and certification requirements of their employees. **Chief Redman** answered a question by **Council** and stated that a letter is sent to establishments after a sting operation is performed, whether an illegal sale is made or not.

Mr. Adams presented testimony on behalf of the appellant. He stated that the business did not violate the performance standards, but rather the employee was the problem in this situation.

Mr. Maroki and **Mrs. Mae Gappy**, explained that they have been in business for 17 years and never had problems. They ask **Council** to consider that the problem was the employee, and he is no longer employed by them.

Councilmember Kendrick questioned **Mr. Maroki** about receiving correspondence from the City and reminded him about his responsibility as a business owner to train his employees in regards to responsible alcohol sales.

Mr. Maroki answered questions from **Planning Manager Anthony Shute** about Responsible Beverage Service training (RBS) for his employees and himself.

In summation by **Planning Manager Anthony Shute**, a recommendation is made to deny the appeal and uphold the decision of the Planning Commission. In addition the City recommends the suspension of all alcohol sales until all the requirements of Conditional Use Permit No. 526 are fully implemented.

Mr. Bill Adams' closing statement indicated that they are not arguing the deemed approved ordinance. They requested that **Council** see that the problem was the employee, not the store, and asked that **Council** acknowledge that the remedy taken by **Mr. Maroki**, firing the employee and implementing the new ID checking machine, is appropriate. He stated that this business has not been a problem in the past; therefore, the revocation of the Deemed Approved status is inappropriate for this situation.

ADMINISTRATIVE HEARINGS: (Item 4-A Continued)

Mr. Maroki came back to podium and gave handout about an upcoming project with ARCO AM PM, which would be affected by the outcome of the Council's decision regarding the Deemed Approved Status.

Planning Manager Anthony Shute gave a closing statement.

Mr. Bill Adams gave final comments.

Mayor Wells stated that the **City Council** would deliberate and all discussion would remain with the **City Council**.

Councilmembers discussed the effectiveness and appropriateness of the decoy operation procedures, the appeal of certain products to minors, and expressed support of the Planning Commission decision. **Mayor Wells** recommended revoking the \$2,000 fine recommended by the Planning Commission.

MOTION BY WELLS, SECOND BY BALES, to ADOPT RESOLUTION NO. 042-15 to DENY the appeal and REVOKING Sky Fuel's Deemed Approved Status and RESOLUTION NO. 043-15 ADDING new alcohol sales operating standards and conditions, removing the condition imposing the \$2,000 fine.

MOTION CARRIES BY UNANIMOUS VOTE.

Recess called at 5:37p.m.

Meeting called back to order at 5:46 p.m.

4. ADMINISTRATIVE REPORTS:

4.1 CITY COUNCIL MEETING SCHEDULE (Report: City Manager)

RECOMMENDATION: That the **City Council** considers canceling one mid-summer City Council meeting for summer recess. Staff is recommending Council discuss and consider cancellation of the August 25, 2015 meeting.

DISCUSSION

City Manager Williford gave information on the Item.

MOTION BY WELLS, SECOND BY KENDRICK to CANCEL the August 25, 2015 City Council meeting for summer recess.

MOTION CARRIES BY UNANIMOUS VOTE.

**4.2 NEW CITY OF EL CAJON WEBSITE
(Report: Assistant to the City Manager)**

RECOMMENDATION: That the City Council receive and file the report.

DISCUSSION

City Manager Williford introduced **Assistant to the City Manager Brett Channing**, who gave a demonstration of the new website design for the City of El Cajon.

MOTION BY McCLELLAN, SECOND BY AMBROSE, to RECEIVE and FILE the report.

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.

ACTIVITIES REPORTS OF COUNCILMEMBERS

7.

COUNCILMEMBER GARY KENDRICK

Heartland Communications JPA; Heartland Fire Training JPA.

7.1 Council Activities Report/Comments

REPORT AS STATED.

ACTIVITIES REPORTS OF COUNCILMEMBERS (Continued)

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

In addition to the submitted report, **Council Member Ambrose** stated he attended the Police Awards Ceremony.

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

REPORT AS STATED.

11. JOINT COUNCILMEMBER REPORTS: None

12. GENERAL INFORMATION ITEMS FOR DISCUSSION: None

13. ORDINANCES: FIRST READING

13.1 AMENDMENT TO CITY'S STORM WATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE (Report: Deputy Director of Public Works)

RECOMMENDATION: That the **City Council** consider the ordinance attached to the Agenda Report amending Chapter 13.10 (Storm Water Management and Discharge Control) to comply with the Regional Board adopted Order No. R9-2013-0001 and, if approved, take the following actions:

- Make a MOTION, and second to introduce the Ordinance
- Discussion
- Vote
- If approved, the Mayor requests the City Clerk to recite the title

DISCUSSION

Deputy Director of Public Works Dennis Davies gave information on the Item.

Assistant City Manager Al-Ghafry added that this is part of regional efforts being made.

City Manager Williford stated that the City will focus on providing information for businesses and citizens with regards to the requirements of the Regional Water Control Board.

Discussion ensued between **Councilmembers** and **Deputy Director Davies** about runoff from water sprinklers, and options for car wash fundraisers, to lessen the environmental impact.

MOTION BY AMBROSE, SECOND BY McCLELLAN, to INTRODUCE the Ordinance.

MOTION CARRIES BY UNANIMOUS VOTE.

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

An Ordinance Repealing Chapter 13.10 of Title 13 and Adding a New Chapter 13.10 to Title 13 of the El Cajon Municipal Code Establishing Regulations for Storm Water Management and Discharge Control.

14. ORDINANCES: SECOND READING AND ADOPTION

14.1 AMENDMENT OF SPECIFIC PLAN NO. 182

RECOMMENDATION: That Mayor Wells requested the City Clerk to recite the title.

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

- **MOTION to adopt Ordinance amending Specific Plan No. 182**

MOTION BY BALES, SECOND BY McCLELLAN, to ADOPT Ordinance No. 5021.

MOTION CARRIES BY UNANIMOUS VOTE.

15. CLOSED SESSION:

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

15.1 CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6.

Agency Designated: Jim Lynch, Director of Human Resources
Representatives: Steve Berliner, Esq., Liebert Cassidy Whitmore
Frances Rogers, Esq., Liebert Cassidy Whitmore

Employee Organizations: El Cajon Mid-Management and Professional Employees Group
El Cajon Municipal Employees Association
El Cajon Police Officers Association
El Cajon Police Officers Association Management Group
El Cajon Professional Firefighters International
Association of Fire Fighters Local 4603 (includes El Cajon Fire Supervisory Unit and El Cajon Firefighters' Association)
Executive, Unrepresented and Confidential Employees

MOTION BY KENDRICK, SECOND BY McCLELLAN, to ADJOURN to Closed Session at 6:15 p.m.

MOTION CARRIES BY UNANIMOUS VOTE.

16. RECONVENE TO OPEN SESSION AT 6:46 P.M.

City Attorney Foley reports the following actions:

15.1 Direction was given to the City's Labor Negotiators.

Adjournment: Mayor Wells adjourned the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the Redevelopment Agency held this 12th day of May, 2015, at 6:46 p.m. to Tuesday, May 26, 2015, at 3:00 p.m.

BELINDA A. HAWLEY, CMC
City Clerk/Secretary