

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

---

**July 14, 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, July 14, 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.** (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

**POSTINGS:** The City Clerk posted Orders of Adjournment of the June 23, 2015, meetings and the Agenda of the July 14, 2015, meetings in accordance with State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

**PRESENTATIONS:**

- **Drought Emergency: Executive Order and Local Response**
- **Police Department's Public Service Announcement**
- **PROCLAMATION: July is Parks & Recreation Month**

**AGENDA CHANGES: None**

**CONSENT ITEMS: (1.1 – 1.12)**

**MOTION BY MCCLELLAN, SECOND BY AMBROSE, to APPROVE Consent Items 1.1 -1.10 and 1.12, pulling Item 1.11, as requested by a member of the public.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**1.1 MINUTES OF CITY COUNCIL/REDEVELOPMENT AGENCY MEETINGS**

Approve Minutes of the June 23, 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 RESOLUTION: AWARD OF BID NO. 002-16, PAVEMENT OVERLAY THOROUGHFARES 2015 (Report: Purchasing Agent)**

Adopt RESOLUTION NO. 062-15 awarding the bid to the lowest responsive, responsible bidder, Miller Paving Corporation, in the amount of \$1,367,029.00.

**CONSENT ITEMS: (Continued)**

**1.5 RESOLUTION: ALL-WAY STOP SIGN REQUEST - BALLARD STREET AT REDWOOD AVENUE (Report: Deputy Director of Public Works)**

Adopt RESOLUTION NO.063-15 to establish permanent all-way stop signs on Ballard Street at the intersection of Redwood Avenue, in order to enhance pedestrian safety and efficiency and traffic flow.

**1.6 RESOLUTION: AWARD OF BID NO. 007-16, PEDESTRIAN SAFETY IMPROVEMENTS AT FIRST STREET AND REDWOOD AVENUE (Report: Purchasing Agent)**

1. Find the second, fifth, seventh, and ninth low bidders non-responsive, each for the reasons set forth in this agenda report; and
2. Adopt RESOLUTION NO. 064-15 awarding the bid to the lowest responsive, responsible bidder, Crest Equipment, Inc., in the amount of \$144,454.20, and reject all other bids.

**1.7 RESOLUTIONS: APPROVAL OF PLANS AND SPECIFICATIONS FOR STREET RESURFACING/PAVEMENT PRESERVATION 2015, PW3513, BID NO. 009-16 (Report: Deputy Director of Public Works)**

Adopt RESOLUTION NO. 065-15 to approve Plans and Specifications for Street Resurfacing / Pavement Preservation 2015, Bid No. 009-16, and RESOLUTION NO. 066-15 to direct a Notice Inviting Sealed Bids to be opened on August 12, 2015.

**1.8 ACCEPTANCE OF INTERSECTION IMPROVEMENTS AT SECOND STREET AND EAST MADISON AVENUE, PW3482, BID NO. 012-15 (Report: Deputy Director of Public Works)**

Accept the project, authorize the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

**1.9 SALE OF SURPLUS PROPERTY (Report: Purchasing Agent)**

Declare the listed property as surplus in accordance with policy.

**CONSENT ITEMS: (Continued)**

**1.10 BOARD OF SUPERVISORS APPOINTMENT TO GILLESPIE FIELD DEVELOPMENT COUNCIL (Report: City Clerk)**

Ratify the Board of Supervisors appointment of John Morley to the Gillespie Field Development Council for a term to expire June 23, 2019.

**1.11 PULLED FOR DISCUSSION**

**1.12 RESOLUTION: TENTATIVE AGREEMENT WITH THE EL CAJON POLICE OFFICERS' ASSOCIATION MANAGEMENT GROUP (ECPOAMG) FOR 2015 – 2017 MEMORANDUM OF UNDERSTANDING (MOU) (Report: Director of Human Resources)**

Approve the tentative agreement reached with the El Cajon Police Officers' Association Management Group (ECPOAMG) and authorize the City Manager to execute the final Memorandum of Understanding (MOU) implementing the terms outlined, and adopt RESOLUTION NO. 068-15.

\*\*\*\*\*

(Remainder of this page intentionally left blank)

**CONSENT ITEM PULLED FOR DISCUSSION:**

**1.11 RESOLUTION: PROFESSIONAL SERVICES CONTRACT FOR EC ANIMAL CARE FACILITY, PS 0020 (PW3121-2)  
(Report: Deputy Director of Public Works)**

**RECOMMENDATION:** That the City Council adopt the next RESOLUTION in order to authorize the City Manager to negotiate and execute a Professional Services Contract with Ferguson Pape Baldwin Architects to prepare plans, specifications, land use entitlements, environmental technical studies, and estimates for a new Animal Care Facility on Marshall Avenue.

**DISCUSSION**

**Robert Clark** questioned why this Item was on the Consent calendar and felt there should be a public hearing. He also commented on relocating the animal shelter, expenses for sewer line relocation, and solicitation of donations.

Discussion ensued among **Council** and **Staff** concerning the following:

- High costs for relocating the animals during construction;
- Steps yet to be taken by Staff and Council, including selection of a construction manager;
- Projected time line for construction beginning in early 2016.

**City Manager Williford** concurred with comments from **Mayor Wells**, indicating the City does not solicit donations, and that many people offer private donations and do their own fundraising.

No one else came forward to speak.

**MOTION BY MCCLELLAN, SECOND BY BALES, to ADOPT Resolution No. 067-15 approving Item 1.11.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**PUBLIC COMMENT:**

**Sunshine Horton** spoke about conserving water by using rocks in yards and planting roses. She gave an update on plans for her 70<sup>th</sup> birthday celebration.

**2. WRITTEN COMMUNICATIONS: None**

**3. PUBLIC HEARINGS: None**

**4. ADMINISTRATIVE REPORTS:**

**4.1 100 FLETCHER PARKWAY CITY COUNCIL/SUCCESSOR AGENCY BOARD SUB-COMMITTEE REPORT (Report: Councilmembers/ Board Members Ambrose and Kendrick, City Manager/ Executive Director Williford)**

**RECOMMENDATION:** That the **City Council/Successor Agency Board** direct the City Manager/Executive Director to negotiate Exclusive Negotiating Agreements (ENA) on its behalf with the Brixton Capital/Excel Hotel Group and bring the draft ENAs back to the City Council/Successor Agency Board for approval.

**DISCUSSION**

**City Manager Williford** gave a summary of the Item, indicating that the subcommittee felt the proposal from Brixton Capital/Excel Hotel Group, for an 80-room hotel with a restaurant, was the top choice for development of the property.

**Councilmembers** spoke in support of the recommendation from Staff.

**City Manager Williford** indicated groundbreaking could take place in approximately 12 to 15 months.

No further comments made.

**MOTION BY MCCLELLAN, SECOND BY BALES, to DIRECT the City Manager/Executive Director to negotiate Exclusive Negotiating Agreements (ENA) on its behalf with the Brixton Capital/Excel Hotel Group and bring the draft ENAs back to the City Council/Successor Agency Board for approval.**

**MOTION CARRIED 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.**

**ACTIVITIES REPORTS OF MAYOR WELLS/COMMENTS: (Continued)**

**6.2 LEGISLATIVE REPORT**

**NO ACTION TAKEN.**

**6.3 PROPOSAL FOR A BALLOT INITIATIVE TO AMEND THE EL CAJON CITY CHARTER TO ESTABLISH DISTRICT ELECTIONS**

**RECOMMENDATION:** That the **City Council** direct the City Manager and City Attorney to investigate the options involved in creating a City-sponsored measure for the November 2016 general municipal election amending the charter in order to establish district elections within the City of El Cajon and report back to the City Council in a timely manner.

**DISCUSSION**

**City Manager Williford** introduced the Item.

**Mayor Wells** discussed State legislation being proposed, and stated the City should be proactive by addressing the issue of district-based elections by means of a ballot measure. He feels this may avoid potential lawsuits.

**Councilmembers Kendrick and Bales**, and **Mayor Pro Tem McClellan**, spoke in support of the suggestion for a ballot measure to amend the charter, and agreed that voters should be able to decide on the matter.

No further comments made.

**MOTION BY WELLS, SECOND BY KENDRICK, to DIRECT the City Manager and City Attorney to investigate the options involved in creating a City-sponsored measure for the November 2016 general municipal election amending the charter, in order to establish district elections within the City of El Cajon, and report back to the City Council in a timely manner.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

## **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.**

**Councilmember Ambrose's** visiting grandsons were introduced.

**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. **LEGISLATIVE REPORT: None**

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

13. **ORDINANCES: FIRST READING - None**

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

**15. CLOSED SESSION**

**RECOMMENDATION:** That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency adjourn to Closed Sessions 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

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

Name of Case:                        City of Chula Vista, et al. v. Sandoval, et al.  
  
   Sacramento Superior Court  
   Case No. 34-2014-80001723-CU-WM-GDS

**MOTION BY AMBROSE, SECOND BY BALES, to ADJOURN to Closed Session at 4:00 p.m.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**16. RECONVENE TO OPEN SESSION AT 4:44 P.M.**

**City Attorney Foley** reported the following actions:

- 15.1** Direction was given to the Labor Negotiators.
- 15.2 Council** gave direction to the City Attorney and the contract attorneys involved in this case.

**Adjournment: Mayor Wells** adjourned the Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the Redevelopment Agency held this 14th day of July 2015, at 4:45 p.m. to Tuesday, July 14, 2015, at 7:00 p.m.

---

**BELINDA A. HAWLEY, CMC**  
**City Clerk/Secretary**

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



## MINUTES

### CITY OF EL CAJON EL CAJON, CALIFORNIA

---

**July 14, 2015**

An Adjourned Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the Redevelopment Agency of the City of El Cajon, California, held Tuesday, July 14, 2015, was called to order by Mayor/Chair Bill Wells at 7:00 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 3:00 p.m., Tuesday July 14, 2015, by order of the City Council and Redevelopment Agency.

#### **ROLL CALL**

Council/Agencymembers present:	Ambrose, Bales and McClellan
Council/Agencymembers absent:	None
Mayor Pro Tem/Vice Chair present:	Kendrick
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 and MOMENT OF SILENCE.**

(The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution)

**AGENDA CHANGES: None**

**PUBLIC COMMENT: None**

**PUBLIC HEARINGS:**

**100 KIA SALES LOT EXPANSION – AMENDMENT OF CONDITIONAL USE PERMIT NO. 1383 (Report: Planning Manager)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony
- Close the Public Hearing; and
- Move to ADOPT the next RESOLUTION in order approving the project

**DISCUSSION**

**Planning Manager Anthony Shute** provided a summary of the Item.

**Mayor Wells** informed that his 18 year-old son works for the Kia dealership, and asked **City Attorney Foley** if he should recuse himself from this Item. **Mayor Wells** indicated his son is not his dependent. **City Attorney Foley** replied it is not necessary for **Mayor Wells** to recuse himself from this Item.

In response to questions from **Councilmember Ambrose**, **Planning Manager Anthony Shute** stated the temporary fencing at the project site will be removed and replaced with six-foot, wrought iron fencing.

**Mayor Wells** opened the Public Hearing.

**Bill Fischbeck**, representing the applicant, spoke in support of the project.

**Joel Waymire**, Assistant Engineer, indicated he is available to answer questions.

In response to questions from **Mayor Wells**, **Chris George**, representing Team Kia of El Cajon, indicated they have worked very hard and that their dealership was rated No. 3 in the country for customer satisfaction and No. 1 in sales volume in Los Angeles and San Diego counties.

No one else came forward to speak.

**MOTION BY WELLS, SECOND BY MCCLELLAN, to CLOSE the Public Hearing.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**MOTION BY MCCLELLAN, SECOND BY BALES, to ADOPT RESOLUTION NO. 069-15 approving the project, and amending Conditional Use Permit No. 1383.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**101 PEACH AVENUE RESIDENCES – PLANNED UNIT DEVELOPMENT  
NO. 341 AND TENTATIVE PARCEL MAP (TPM) NO. 653  
(Report: Planning Manager)**

**RECOMMENDATION:** That the City Council:

- 1. Open the public hearing and receive testimony;**
- 2. Close the public hearing; and**
- 3. Move to ADOPT the next resolutions in order APPROVING the project subject to conditions.**

**DISCUSSION**

**Planning Manager Anthony Shute** provided a summary of the Item, and responded to questions from **Councilmember Ambrose** concerning the type of roof recommended for the project.

**Mayor Wells** opened the Public Hearing.

**Jeff Mattazaro**, the owner/builder, spoke in support of the project, and questioned the requirement for an extra water meter for landscaping of the common area.

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

- The ordinance requirement for a designated water meter for common area landscaping;
- Care required for native and drought resistant plants;
- The responsibility of the HOA (Homeowners Association) to ensure care of the common area;
- A suggestion for Staff to evaluate the ordinance addressing landscaping requirements, in light of drought conditions.

No one else came forward to speak.

**MOTION BY WELLS, SECOND BY AMBROSE, to CLOSE the Public Hearing.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**MOTION BY MCCLELLAN, SECOND BY KENDRICK, to ADOPT RESOLUTION NO. 070-15 approving Planned Unit Development No. 341; and ADOPT RESOLUTION NO. 071-15 approving Tentative Parcel Map No. 653.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**102 FOUNTAIN LIQUOR – AMENDMENT OF CONDITIONAL USE PERMIT NO. 256 – APPEAL OF PLANNING COMMISSION DECISION (Report: Planning Manager)**

**RECOMMENDATION: That the City Council**

- Open the Public Hearing and receive testimony
- Close the Public Hearing; and
- Move to ADOPT the next RESOLUTION in order denying the appeal and upholding the Planning Commission’s decision.

**DISCUSSION**

**Planning Manager Anthony Shute** provided a summary of the Item.

**Mayor Wells** opened the Public Hearing.

**Victor Vilaplana**, representing the appellant, gave a brief history about the store. He indicated they do not wish to expand the footprint, and they are willing to abide by the required sales limitations. They propose a total retail area of 1,250 square feet, utilizing 600 to 700 square feet for alcohol sales, 550 square feet for a grocery/produce department, to mitigate some of the sales losses, and an additional area for storage and a small office, bringing the total area to 1,942 square feet. He submitted copies of a plan for Council review, and requested some time for the storeowner to reduce inventory appropriately.

**City Manager Williford** stated the proposal by the applicant is a new proposal, placing the City Council at a disadvantage. He suggested a two-week continuance so that has Staff has a reasonable opportunity to review and comment on the new proposal.

**Mr. Vilaplana** suggested a correction to the record, as the proposal was discussed with some members of Staff; however, they have no objection to a continuance of the Item.

A brief discussion ensued among Council and Staff concerning:

- The applicant’s previous ability to sell produce and dedicate a smaller area to alcohol sales in the existing store;
- On-site parking requirements based on the square footage of the store.

**City Attorney Foley** advised that a couple other speakers were waiting to speak on this Item, and if they are able to return to speak at that time, he suggested a two-week continuance.

**ITEM 102 (Continued)**

**Amir Habib**, the appellant, stated he is comfortable with the two-week continuance. He commented that he needs the additional 250 square feet due to the narrowness of the area at the back of the store, where they are proposing to sell the alcohol.

**Julissa Meyer** indicated she has lived in the area for 23 years and has known Mr. Habib for many years. She spoke about an incident that occurred some time ago, when Mr. Habib helped her husband.

**Cathey Anderson** stated she is able to return to speak in two weeks.

No further comments were made.

**MOTION BY WELLS, SECOND BY MCCLELLAN, to CONTINUE the public hearing to the 7:00 p.m. meeting on July 28, 2015.**

**MOTION CARRIED BY UNANIMOUS VOTE.**

**103 ITEMS CONTINUED FROM THE 3:00 P.M. MEETING: None**

**ADJOURNMENT: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the City Council/Housing Authority/Successor Agency to the Redevelopment Agency held this 14th day of July 2015, at 7:51 p.m. to Tuesday, July 28, 2015, at 3:00 p.m.**

---

**BELINDA A. HAWLEY, CMC  
City Clerk/Secretary**