

CITY OF EL CAJON
EL CAJON, CALIFORNIA
SEPTEMBER 21, 1970

An adjourned regular meeting of the City Council of the City of El Cajon, California, held Monday, September 21, 1970, was called to order by Mayor James Snapp at 7:30 o'clock p.m. in the Council Chambers of the City Hall, 150 East Lexington Avenue, El Cajon, California. This meeting was adjourned from the adjourned regular meeting held September 14, 1970, by order of the City Council.

R O L L C A L L

Councilmen present	Cornett, Van Zanten, Brown, Quidort, Snapp
Councilmen absent	None
Other Officers present	Hensley, City Clerk; McDougal, City Attorney; Acker, Assistant to the City Manager; Pizzato, City Engineer and Director of Public Works; Henson, Director of Planning.

PLEDGE OF ALLEGIANCE TO FLAG.

MINUTES	Motion by Cornett, seconded by Van Zanten to approve the minutes of the September 8, 1970, meeting.
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AYES	Cornett, Van Zanten, Brown, Snapp
NOES	None
ABSENT	None
ABSTAIN	Quidort

Councilman Quidort abstained because he was absent from this meeting.

Motion by Cornett, seconded by Van Zanten to approve the minutes of the September 14, 1970, meeting.

AYES	Cornett, Van Zanten, Quidort, Snapp
NOES	None
ABSENT	None
ABSTAIN	Brown

Councilman Brown abstained because he was absent from this meeting.

POSTING	The order of adjournment of the September 14, 1970, meeting was duly posted as required by law.
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ITEMS ADDED	Motion by Quidort, seconded by Brown to add the following items requested by Councilman Brown:
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32A New form for notification of assessments under the 1911 and 1913 Act.

32B Position on Proposition 18.

Motion carried by unanimous vote.

1. BID OPENING This being the time and place
WASH. 1913 BONDS fixed for the opening of the
 bids for \$514,260.14 of bonds
to be issued to represent unpaid assessments levied upon
the lands within Assessment District No. 1969-1 (Washington
Avenue), the following bids received pursuant to the Notice
Inviting Bids were publicly opened, examined and read:
- | | |
|--|--|
| Stern, Brenner & Company
139 South Beverly Drive
Beverly Hills, California
90212 | Interest Rate 7% per annum
Total Premium of 0 |
| Stone & Youngberg
Suite 103, El Patio Building
7946 Ivanhoe Avenue
La Jolla, California 92037 | Interest Rate 6½% per annum
96.06% of the principal amount
thereof without accrued interest. |

Each of the above bids was accompanied by a Cashier's Check
in the amount of \$5,000.00.

Motion by Cornett, seconded by Brown that all bids be re-
ferred to the Bond Consultants and the City Treasurer for
checking.

Motion carried by unanimous
vote.

2. HEARING-WEED & Time has come for public hearing
LITTER REMOVAL under Section 14A-15 of the Code
 on Notices to remove and/or de-
stroy weeds, litter, etc. sent by the Fire Department.

The following appeal has been filed:

Marvin A. E'Golf for parcels from City Limits south to
Pepper Drive fronting on East Main Street. Request is for
additional time inasmuch as litigation is pending.

Attorney McDougal advises there have been problems with
this property for some time; several citations have been
issued. The owners have a lawsuit pending against several
people allegedly dumping on the property. The owners did
barricade it off, but the last time he looked it was not
barricaded, and evidently people are dumping there again.
If that is the case, need to find out from the owner what
they are doing in the meantime. It is one thing to have
an action pending, but if this gets worse it is not solving
the problem.

Mr. Richard Borgerding, Fire Department, states the owners
had barricaded the property off by putting a chain across
and someone cut the chain. It was then barricaded with
concrete blocks and these have been removed. Talked to
the owners about digging a trench, but it was their attor-
ney's opinion that they might be liable if a law suit were
filed for an injury occuring in the ditch. Put up signs
stating "No Dumping" but these were torn down. The dumping
seems to have declined quite a bit.

Mr. Marvin A. E'Golf, 6442 Hillgrove Drive, San Diego, one
of the owners of the property states they are very active
in litigation; are taking depositions at the present time.
His attorneys are trying to get together with the various
insurance companies that are liable to come to some settle-
ment. In regard to what has been done to solve the problem,
one of the main problems is the drive is not their drive.

People come on to the neighbor's property, and across the corner to their property. When they first discovered the problem, thousands of yards of rubble had been dumped. Have spent money on attorneys, private detectives, engineers, etc. to find out who is responsible. Their engineers tell them there are about 8,000 yards of unusable rubble on the property. The dumping is slowing down now because it is just about full. Big trucks coming in have wiped out the barricades. Their attorneys advise they cannot take it upon themselves to close the neighbors drive, and the neighbor has refused to do so. Tried to close off the property line but every barricade has been torn down. Have hired private detectives to see if they can discover who is doing the dumping, and have served fourteen defendants. Are actively pursuing this matter and are not proud to own that property in its present condition. It will be terribly expensive to clean it up and would like to have the responsible people bear the burden.

In regard to whether it has been clearly established that most of this cannot be compacted or used on the site for building on, Mr. E'Golf states that at least 50% is large tree trunks, big chunks of concrete, etc. that cannot be used.

Attorney McDougal believes the adjoining owner has been given some type of notice also. Even though there is pending litigation, the owners should have some responsibility from this problem getting worse.

Comment is made that if the City proceeds, the cost will eventually be a lien against the property, and in the meantime the City will be out that amount of money. It is unusual to have that sort of expense on the enforcement of the litter ordinance.

Mr. E'Golf believes the bid received by the City is \$6.00 a yard, and there are 8,000 yards to be removed and believes they can work out something better. In regard to whether there is any time limit when a decision will be forthcoming, Mr. E'Golf states depositions are being taken now and have sent out interrogatories; his attorneys have been instructed to get these people into court but does not know how long that will take.

Since this is an unusual case, it is suggested that the matter be continued for six months, to be reviewed at that time to see what progress has been made. So that a precedent is not established, the thing that makes this unusual is that the City has to fund the removal before they get their money back. Would be using up a year or two of money before theirs would be recovered. Should not damage the entire process by having this amount of money tied up in one parcel.

Attorney McDougal suggests a three months period might be a little more in order; if the situation is getting worse need to take some other action. Believe originally there was an estimate of some \$6,000. to \$8,000.

Mr. E'Golf states that one problem is that when a person is cited for dumping the fine seems to be far less than they would have to pay to use the County dump. Attorney McDougal agrees Mr. E'Golf has a point; it is difficult to get Judges in criminal courts too excited about the dumping of rubbish. Have had a good situation as far as the Judges and Courts in El Cajon; usually on the first conviction there is not

much in the way of penalty, but in the situation where there is repetition, they get very concerned and do take measures that normally would prevent the repetition. In regard to whether the people being cited could be fined and required to remove the rubble they have dumped, Attorney McDougal points out the maximum fine under the ordinance is \$500. Judges normally will work with the City and sentence the maximum fine, on the condition that they repair or remedy the situation. That does not very satisfactorily solve this kind of problem.

No further comments were offered.

Motion by Cornett, seconded by Van Zanten that the public hearing be closed.

Discussion.

Question is raised whether the public hearing should be closed or continued; Attorney McDougal suggests the hearing be closed so that all of the procedures with respect to this group can be completed. This particular matter could be placed on as an agenda item for a report when it is time to come back. If necessary will give new notices and start over on it.

Votes are now cast on motion by Cornett, seconded by Van Zanten that the public hearing be closed.

Motion carried by unanimous vote.

Motion by Quidort, seconded by Van Zanten that this item be placed back on the agenda in three months.

Discussion.

For clarification, it is the intent that the staff is not to proceed with any action on this case during that period.

Votes are now cast on motion by Quidort, seconded by Van Zanten that this item be placed on the agenda in three months.

Motion carried by unanimous vote.

Comment is made that at the end of three months, if necessary, Council could continue this again. Attorney McDougal states they might have to give a new notice at that time so that the rest can be closed out.

3. HEARING-GARDEN GROVE LN. VACATION Time has come for continued public hearing from the meeting of September 8, 1970, on proposed vacation of portion of Garden Grove Lane.

Hearing was continued from this meeting for a report from the Engineer because of protests voiced by residents in the area in connection with improvements not completed.

By letter dated September 16, 1970, City Engineer advises that in connection with Fletcher Hills Town and Country Subdivision, the subdivider agreed to replace the dead end portion of Garden Grove Lane with a knuckle at Garden Grove Lane and Freeborn Way and to improve that portion of Garden Grove Lane proposed to be vacated. The developer's Engineer agreed verbally with the property owners to certain

improvements in the area. Letter sets forth the work completed and that yet to be done. Recommends that Council proceed with the vacation and that the City retain control as provided by the existing subdivision agreement.

Motion by Cornett, seconded by Van Zanten that the public hearing be closed.

Motion carried by unanimous vote.

Motion by Cornett, seconded by Quidort to refer this matter to the City Attorney for preparation of a resolution ordering the vacation.

Motion carried by unanimous vote.

4. HEARING-Z.R.902 Time has come for public hearing
McKEON CONST.CO. on Zone Reclassification No. 902
to prezone from the County A-3 (1)
Zone to the City R-3 Zone property on the east side of Jamacha
Road, between Granite Hills Drive and Vista del Valley Boulevard.

Planning Commission Resolution No. 2873 recommends approval of the R-3-R Zone, subject to dedication for Jamacha Road widening and approval of a Specific Plan or Planned Residential Development within one year of annexation.

Mr. Frank Newberry of McKeon Construction Company, 3435 Camino del Rio, South, San Diego, states they made application for rezoning to the R-3 Zone for the purpose of developing a condominium project. Since they intended to build a precise plan development and limit their design and number of units, the R-3-R was suggested, which is fine with them.

It is pointed out that the minutes of the Planning Commission state a requirement for a Planned Residential Development and the resolution requires a Specific Plan or Planned Residential Development. Mr. Henson explains that the staff report recommended the Specific Plan or Planned Residential Development; in framing his motion Mr. Pierce added in accordance with the staff report. Agrees that the resolution states what Mr. Pierce intended.

Motion by Quidort, seconded by Van Zanten that the public hearing be closed.

Motion carried by unanimous vote.

Mr. Henson advises there are two General Plan recommendations which apply. The density proposed by this development is approximately 15 dwelling units per acre and the General Plan recommends 3 to 10 dwelling units per acre. Another recommendation in the General Plan says developments of this type should be encouraged. The Planning Commission felt the Planned Residential Development should be encouraged.

It is presumed if the developer came in with a specific plan showing a single story apartment complex that would meet the requirements. Attorney McDougal states it has always been ruled that if a person comes in with a reasonable specific plan the City had an obligation to approve it. There is still judgment that can be exercised over those specific plans.

Councilman Brown would like to have the minutes reflect that he understands the thinking of the Planning Commission from the minutes, and the discussion here, is that the density is contrary to the General Plan, but it is suggested for approval based on this being a unique and desirable development.

Councilman Van Zanten does not think this area is compatible with the kind of development proposed; there is a subdivision at the east end and cannot see R-3-R with that many people in this area. Also, does not think the closeness of the Granite Hills-Jamacha intersection bears out that density.

Councilman Cornett is not as concerned about the density, if it is a good development with open spaces and green areas.

Attorney McDougal advises that no more hearings would be required on the zoning. However, the Specific Plan could not be filed until the property is in the City. Mr. Henson advises there is a one year time limit set on the annexation by law; if nothing happened within one year of annexation on the Specific Plan or Planned Residential Development, the rezoning would lapse; would actually have up to two years to comply.

Motion by Quidort, seconded by Cornett to refer Zone Reclassification No. 902 to the City Attorney for preparation of an ordinance according to Planning Commission Resolution No. 2873.

AYES
NOES
ABSENT

Cornett, Brown, Quidort, Snapp
Van Zanten
None

Motion carried.

5. HEARING-Z.R.903 Time has come for public hearing
LAND-VEST INC.ET AL. on Zone Reclassification No. 903
submitted by Land-Vest Inc., et al.
to reclassify property on the south side of Washington Avenue,
between Dorothy Street and Jamacha Road, from the R-1-6 Zone
to the R-3 Zone.

Planning Commission Resolution No. 2874 recommends approval of the R-3 Zone for the northerly part facing Washington, and R-3-R Zone for the portion south of the Washington Drainage Channel, subject to certain requirements.

Mr. John Gibson, 367 South Marshall Avenue, speaking as a director of Land-Vest, Inc. states they would like to have R-3 Zoning for the entire property. Property to the east is zoned R-P including property across the ditch and to the rear. Across the street there is R-3 Zoning. In the same block, Parcels 34 and 35 are zoned R-3. A better development could be made of the property if it were zoned R-3 all the way and would be more consistent with their planned development.

Mr. Henson advises the Planning Commission was aware of the request for R-3 Zoning; they thought there should be some break-off in density as it goes south and felt the drainage channel was the place to break the density. The property to the east which is zoned R-P is subject to a specific plan.

Comment is made that the R-3-R controls the height development to one story, as opposed to multiple story; to the west none of the R-3 goes beyond the drainage channel. Mr. Henson states there is a piece of R-P on Dorothy, which is developed with a medical care facility that was in existance prior to annexation to the City.

Mrs. Betty Cantoni, 520 South Magnolia, representing the Kelleher estate which is the owner of the parcel in the middle separating the two parcels on this application, objects to the restrictions of the R-3-R for the portion south of the drainage ditch. Points out that the west property from this is also zoned to its entire depth, and some portion does lie south of the drainage ditch. Can see no need for the restriction. Land-Vest noted in the Planning Commission minutes that the City Engineering Department had entered into an agreement together with the Kelleher property that in return for the dedication of right of way for drainage and widening of Washington, they would not be left with landlocked parcels, but would be provided legal access to the portion lying south of the drainage ditch. The R-3-R, which limits the buildings to two stories, also requires a 20 foot front yard, as compared to 10 feet in the R-3. This seriously reduces the income potential of the property. Questions why the R-3-R Zone should limit structures to two stories, while in the R-1 and R-2 Zones there is no such height limitation. Council recently approved R-P Zoning for the 3½ acre Shaw property to the east, and the resolution did not specify time limits for approval of the specific plan.

Mrs. Cantoni continues that she did not appear before the Planning Commission when this application was originally heard, but since that time has obtained an offer to purchase the Kelleher property, and it appears it will be developed along with these parcels. For this reason, would not favor the six months time for approval of this specific plan. A one year time limit is not excessive.

Mrs. Gail Ball, 622 East Washington, realtor representing the buyers and sellers, states property to the east has been zoned R-P; it is possible to cover the ditch and reach the rear parcel from the front, and this would also be feasible on the Land-Vest property.

No further comments are offered.

Motion by Brown, seconded by Quidort to close the public hearing.

Motion carried by unanimous vote.

In regard to why the time limit for submitting specific plans was changed, Mr. Henson states that by a three to two vote some months ago, Council voted to reduce the normal one year requirement for specific plans to six months, for the purpose of reducing the amount of speculation on R-3 property. Staff has tried to apply this to other classifications. The result is that lately the Planning Commission has been weighing the amount of work going into zone reclassification on the end product. In this case a great deal of thought and work had gone into this request. Council will be receiving other zone reclassifications from the Planning Commission with split votes as to the one year requirement.

Objection is voiced to zoning the rear portion R-3, thereby putting that much traffic on the 30 foot ingress and egress out to Dorothy. It has not been proposed by the developers to dedicate and improve a 60 foot street.

Motion by Cornett, seconded by Brown to refer Zone Reclassification No. 903 to the City Attorney for preparation of an ordinance according to Planning Commission Resolution No. 2874.

Motion carried by unanimous vote.

6. HEARING-AMEND S.P.20-PLAN.COMM. Time has come for public hearing on amendment of Specific Plan No. 20, initiated by the Planning Commission regarding possible realignment in the area of future Lexington, between Mollison and Lincoln Avenues.

Planning Commission Resolution No. 2875 recommends moving the curved portion of proposed Lexington Avenue to the western side of the block between Mollison Avenue and Lincoln Avenue.

By letter dated September 11, 1970, Division of Highways advise they have no route studies which would affect this property.

Mrs. Grace Reed, 5821 Del Cerro Boulevard, San Diego, states when the 1911 Act Improvement District was heard by Council, they requested reduction in their assessment because three specific plans would take a great amount of their land. On July 13 Council was asked to release their property from the three specific plans or purchase it. These three plans take approximately 1/2 of the square footage and they contend this is a case of inverse condemnation. The City should either release or purchase the land they need. The Planning Commission agreed they have a problem but said it was not their prerogative to correct the situation. They are glad Lexington is going through, but the recommended change in the curve will further reduce the usability of the property for their purposes, and wants to go on record as being against the amendment.

No further comments are offered.

Motion by Quidort, seconded by Brown that the public hearing be closed.

Motion carried by unanimous vote.

Mr. Henson explains that the Planning Commission recommendation is that the curve on the east side of the block be shifted to the west side of the block; this would take the entire Bush property and would require no dedication from the Livingston property.

Motion by Quidort, seconded by Brown to refer the amendment of Specific Plan No. 20 to the City Attorney for preparation of an ordinance according to Planning Commission Resolution No. 2875.

Motion carried by unanimous vote.

7. HEARING-AMEND S.P.54-PLAN.COMM. Time has come for public hearing on the amendment of Specific Plan No. 54 initiated by the Planning Commission to consider possible realignment of the Washington Drainage Channel in the area of future Lexington Avenue, between Mollison and Lincoln Avenues.

Planning Commission Resolution No. 2876 recommends that no change be made in the alignment of Specific Plan No. 54.

By letter dated September 11, 1970, Division of Highways advises at the present time they have no route studies which would affect this property.

Mrs. Frances Sinclair, 1980 La Cresta Road, El Cajon, points out the location of their property on the map; the present alignment of the Washington Channel cuts off a 15 foot sliver of their property, which is useless. It would seem better planning if that could be along the property line. Did not appear before the Planning Commission because no notice was received of the hearing.

It is questioned when the time comes to actually design the channel if it is not common practice to take into consideration such a condition and line the channel up with the property line. Mr. Pizzato states the actual specific plan is a large set of drawings and is quite specific where the channel is proposed. It is further questioned whether the route could be shifted slightly at the time of construction; it is felt the purpose of a specific plan is to preserve the right of way to prevent buildings being built on it. Mr. Pizzato agrees with this view, but that is not shared by others. Physically he believes the drainage channel could be shifted, assuming it is very close to the property line now. He did not discuss this with Mrs. Sinclair.

Mr. Pizzato states this is approximately the route of the present drainage channel; there is a storm drain that comes along the Zumwalt property and discharges into the natural drainage course there that was constructed under the Washington Project recently. It is suggested this matter be continued one week for a report from the staff as to whether the drainage channel leaves a sliver of land on the Sinclair property.

Motion by Brown, seconded by Quidort to continue the public hearing one week.

Motion carried by unanimous vote.

8. HEARING-AMEND S.P. Time has come for public hearing
109-PLAN. COMM. on the amendment of Specific Plan
No. 109 initiated by the Planning
Commission regarding possible realignment in the area south
of future Lexington Avenue, between Lincoln and Mollison
Avenues.

Planning Commission Resolution No. 2877 recommends amendment of Specific Plan No. 109 to provide for a 50' radius cul-de-sac in the location indicated on the map.

By letter dated September 11, 1970, Division of Highways advise at the present time they have no route studies which would affect this property.

Mr. James Johnson, 5945 Mission Gorge Road, Santee, examines a map showing the cul-de-sac proposed by the Planning Commission. Mr. Johnson owns property at 440 and 424 South Mollison Avenue; states Specific Plan 109 was instigated prior to the widening of Mollison. Since Mollison has been widened would propose deleting the specific plan in its entirety. It would serve no purpose as far as he is concerned and the other people he has talked to, however, many of the property owners did not get notices of the Planning Commission meeting and did not know about the proposal.

Mrs. Frances Sinclair, 1980 La Cresta Road, El Cajon, states the proposed cul-de-sac does not come to their property; there is a piece of land approximately 30 by 200 feet left at the south of the drainage ditch. If the drainage ditch were shifted to the north 10 or 15 feet, and if there is a possibility that Council might consider this a buildable lot, then they would be in favor of continuing the cul-de-sac until it reaches their property. This is a problem lot because of the drainage which crosses it and would like to do something to salvage what they can. There is a possibility of combining some of the properties in this area, splitting them crosswise instead of lengthwise, if they can get R-3 Zoning.

Attorney McDougal advises that generally lot splits are not granted which will create unbuildable lots; if there is no frontage on the street would not have a building lot. The point is that the cul-de-sac does not exist at present and generally the City has not been granting lot splits on specific plan streets. There have been a few exceptions in cases where there were buildable lots in the County and the property was annexed to the City.

Discussion follows on Item 8 of the findings in Planning Commission Resolution No. 2877, which states some of the properties will have the rear portions of their lots severed by the drainage channel without separate rear street access, however, each of these parcels would remain as a legal lot. These properties would still have legal street frontage on Mollison. Comment is made there is an implication that the rear portions become legal lots.

Suggestion is made that Mrs. Sinclair consider the possibility of covering the drainage ditch, such as was done on the Third Street Lateral. Mr. Pizzato states the structure is about the same size, but the two are not comparable.

Mrs. Betty Cantoni, 520 South Magnolia, represents two property owners in the southern section of Specific Plan No. 109, which was not advertised for hearing. Speaks in favor of advertising the entire specific plan, so that they would have their say about the cul-de-sac street. If the decision of Council tonight is to go along with the cul-de-sac, thereby closing off going through to the extension of Lexington, would then have already made a material change in the specific plan. Is certain some of the property owners to the south will not be happy with the proposed cul-de-sac and should have an opportunity to speak about it. Asks what will be accomplished by closing this street off to Lexington.

It is pointed out the City will save about \$40,000. in getting across the drainage channel. Mrs. Cantoni feels the City has a moral obligation in regard to the frontage for the people in the entire block. Comment is made that this street is only for the benefit of the property involved, and if a 60% 1911 petition were circulated, Council would probably look favorably upon that.

Comment is made that the General Plan recommends establishing a different type street pattern than the straight grid system, and one of the possibilities is cul-de-sac streets. Many people prefer living on them, so there is another side to the argument.

Mrs. Cantoni hopes that there will be readvertising of the entire specific plan; action to close off the north portion extending to Lexington would have a material effect on the development of the southern portion.

It is questioned whether in their discussion relative to the hearing for the entire specific plan, the Planning Commission had in mind reassessment of the entire street. Mr. Henson states they were in accord with Mrs. Cantoni's request that the people down the street should be heard. Thought they had enough information to make recommendations on this request and setting the entire street to public hearing as well.

Attorney McDougal states some discretion was used in the advertising; suggests they suspend action on this hearing and start over, directing the Planning Director to set to public hearing the amendment of the entire specific plan.

Motion by Brown, seconded by Quidort to instruct the Director of Planning to set the entire Specific Plan No. 109 to public hearing.

Motion carried by unanimous vote.

Recess called at this time; meeting called back to order by Mayor Snapp at 9:15 o'clock p.m.

1. WASHINGTON 1913
ACT BONDS

Motion by Van Zanten, seconded by Quidort to take Item 1, report on the Washington 1913 Bids, out of

order.

Motion carried by unanimous vote.

Mr. Terence J. McCarty, with Stone and Youngberg in San Francisco, Financial Consultants, states he and Mr. Hobson reviewed the bids that were received on the bonds. The bid from Stern, Brenner & Company provided for a discount of 3.98% with a 7% coupon on all the bonds. This provided for a total interest cost for all the bonds over their term of \$227,457.24 or a net interest rate of 7.6922%. The bid from the La Jolla office of Stone and Youngberg was for a 6.5% coupon on all of the bonds with a discount of 3.94%, and provided for a net interest cost of \$212,466.57 or a net interest rate of 7.1852%. On this basis the low bid would be Stone and Youngberg and it would be their recommendation that the bonds be awarded to that firm. The difference between the two bids is \$14,990.67, which is a nice spread between the low and second lowest bid.

20. RESOLUTION 447-70 Motion by Cornett, seconded by Van Zanten to adopt Resolution No. 447-70, a resolution of the City Council of the City of El Cajon, California, awarding bonds to Stone and Youngberg to be issued to represent unpaid assessments on lands in Assessment District No. 1969-1 of said City. Washington Avenue, et al. 1913 Act District.

Motion carried by unanimous vote.

9. LTR-FISHER
VACATION

By letter dated September 15, 1970, Mr. Manuel S. Fisher requests that street openings on his property on the south side of Broadway, east of Ballantyne, be vacated to him. This was originally a portion of his property and he feels he should be held responsible for clearing and cleaning them only after they are returned to him.

This matter was discussed at the meeting of September 14, 1970, in connection with an appeal on weed and litter removal.

Attorney McDougal states that Mr. Fisher was correct in saying that he does not pay taxes on that property - the deed which was granted states "in fee for street and alley purposes". Council can initiate vacation proceedings or can deed it to whomever it wishes, since it was acquired that way. The Title Company will require a quitclaim deed from the City in addition to any other proceedings.

Believes that Mr. Henson would like Council to look at the whole specific plan that sets this up and consider the whole length of it before any action is taken on this request.

Mr. Henson states there have been other dedications in the past and some of them have been returned. The area is most complicated in its history in the attempts of the property owners to get the properties together to have zoning and also in the City's attitude as to what would comprise the proper street system. The present dedications were conditions of rezoning the front portion of the property to C-2 in 1960. The long dedication that separates the C-2 and R-1 portions coincides with an old street study which is being used as a basis for the dedications because there is not an adopted specific plan. The most recent decision of Council was to deny the Gardner zone reclassification on the property at the east end. Would recommend that Council not give up this dedication until there is an attempt to see if another street system could be established to serve this land. There are two landlocked parcels in the area.

Comment is made that Council has the recommendation but also has a pending litter assessment and the two are not compatible as to time - will take months to get the specific plan hearings through.

Attorney McDougal is not sure that this would have any effect on the litter unless Council was to specify that from now on anyone who deeded property to the City in fee would not have to take care of their own lot - that would be the only way it would effect it.

It is questioned since this land was dedicated in fee for street purposes whether this would relieve him of any assessment for the litter at the present time.

Attorney McDougal states he feels it is a rather fine distinction to say that if there is a dedication by map for street purposes, or a common law dedication in a deed or a grant of easement for street purposes to the City, that in each of those cases the property owner must maintain his own property until a street is built and accepted into the system; but if he happens to have deeded it to the City in fee for street purposes, that in that case he does not have to maintain it. Will do it this way if Council so decides. It is correct that he does not pay taxes on this property.

Statement is made that if he pays no taxes on that property, even if he were assessed for the litter the City could not collect the money. Attorney McDougal states he does get the tax bill on the other property and this is only a 20 foot strip - this is a real problem to sort out and understands in other areas of the City it will be an even greater problem.

Another opinion is that if the land has been dedicated in fee it is City land and this man should have no obligation to clear the land unless he will not let the City get to it. The City has the obligation to clear the land and maintain it if it has access - if he will not allow access he would have to clean it off. Should not make him clean off City land then assess it to the other parcel.

Mr. Henson states he does not recall any other dedications in the block between Ballantyne and Cherrywood.

It is mentioned that this area has been discussed many times - this street is not important to the traffic circulation of the City. The City should leave it up to the people to help themselves. They can assemble the parcels so there are no landlocked parcels if they wish.

Motion by Brown, seconded by Cornett to deed the property to the rightful owner.

Motion amended later.

Councilman Van Zanten states that this was dedicated because of something in the past that showed a certain amount of planning and leadership by the City or staff. Does not believe the owners of this many diverse parcels can come up with a plan - feels the City must show some leadership, that these people depend upon the City taking an official stand to help iron out the difficulties.

Statement is made that if the people do not want to cooperate that leaves the City with the alternative of condemning it and paying for it to get a street through that is of no importance to the City as a whole - taxpayers' money should not be spent that way.

Mr. Henson feels Council should be aware that the larger of the two property dedications is in a location which is recommended as a park site on the General Plan. The C-2 zoning on the property now is not in conformance with the General Plan recommendation and the street dedication was a condition of the zoning to C-2.

Councilmen Brown and Cornett amend the motion to state that the portion of land that is returned to the property owner shall be in the R-1 Zone.

Discussion.

Mr. Henson states the small red portion shown on the map was also dedicated by Mr. Fisher.

Speaking on the motion, Councilman Van Zanten feels that Mr. Henson is saying that perhaps Council wants to consider, since the C-2 is in conflict with the General Plan, that in order to give this parcel back may wish to remove the C-2 designation.

Objection is voiced to doing this as a condition to giving back a small strip.

Votes are now cast on motion by Brown, seconded by Cornett to deed the property to the rightful owner and that the portion of land that is returned to the property owner shall be in the R-1 Zone.

AYES
NOES
ABSENT

Cornett, Brown, Quidort, Snapp
Van Zanten
None

Motion carried.

Mr. Fisher states that the property will be cleaned up.

10. LTR.MORRIS & By letter dated September 14,
MORRIS-PALMISTRY 1970, Morris and Morris, attor-
neys, states their client Mr.

James Marks was denied the right to make an application for a license to practice palmistry entertainment in El Cajon under City Ordinance Section 18-13. Feels this section is an archaic hangover, is not uniformly and justly enforced and lists the common, everyday activities that take place in the City and which are prohibited by this ordinance. Feels these things must be forbidden or Mr. Marks should be granted a license.

One comment is that the ordinance does not state the allegations set forth in Mr. Morris' letter and there is no contradiction. Another opinion is that the ordinance prohibiting palmistry and fortune telling was passed a number of years ago to relieve a condition that used to exist. Council has no information on what the County or other cities do in this regard.

Attorney McDougal states no study has been done on what other cities are doing and he does not know how long ago this section was passed - if Council wishes can go into this with the thought of possibly amending the ordinance.

Thought is expressed that there could be danger in having that sort of business in the City - a skilled artist could separate people from their money quickly and easily in that field. Could charge a flat fee where people could go and receive some sort of entertainment. Someone could come into town, perform these services and then leave town and not have a permanent place of occupation. This does need to be controlled - has no objection to opening this up in El Cajon but would like to know what the rest of the cities are doing.

Mr. Richard Morris, 180 Rea Street, attorney for Mr. Marks, states he knows that Escondido now allows this and that places are being operated in various parts of the County. In San Diego and other cities that have an ordinance worded the same as this one, its constitutionality was upheld only because it did not prohibit spiritualists from practicing.

Most of the people who would be involved in things such as palmistry advertise themselves as spiritualists but are doing the same thing. The Appellate Court held that the individual must be accredited by the California Association of Spiritualists, which Mr. Marks is. Would suppose if he were to ask for a license for spiritualism and present his credentials that the license would then be issued. He is not attempting to offer any spiritualism but just entertainment. Feels if there were a danger it would be more with someone claiming to have a "hot line" to God than with someone who was reading lines in the palm of a hand. Believes the first ordinance similar to El Cajon's was adopted before the turn of the century when this exact wording was first used. This ordinance prohibits things

today that are common, such as psychology, and no one attempts to enforce it. Agrees there should be a control on it and not have fly-by-night operators, so should probably have a flat fee.

One opinion is that there is no need to change the ordinance and the astrology forecasts that are printed in several publications are not illegal, as this ordinance relates to the advertising or dispensing of services and not the buying of printed material. This type of thing has been determined to be undersirable as normally conducted and there would be no guarantee they would not be here and gone tomorrow.

Mr. Morris advises this is something that has passed down from generation to generation in the Marks family and they have been in San Diego over 25 years. He is now doing this in San Diego and various other cities and some members of his family have licenses to do palmistry and fortune telling in San Bernardino, Ventura, San Jose, Hawthorne, Redondo Beach and others. They advertise both as spiritualists and palm readers in other cities. Mr. Marks probably could advertise as a spiritualist and do palm reading but it would be bordering on being illegal which he would like to avoid.

Comment is made that the ordinance says a person must be an accredited member of a bona fide church of religion to participate in spiritualism, and that Mr. Marks probably could not get a spiritualist license in El Cajon. Even if he did it would not allow palm reading.

Motion by Brown, seconded by Van Zanten that the letter be filed.

Discussion.

Councilman Cornett thinks Council should see what the other Cities and County are doing - a case can be made for both sides as to whether this is a desirable or undesirable business. Should check into this in the next two weeks.

Votes are now cast on motion by Brown, seconded by Van Zanten that the letter be filed.

AYES
NOES
ABSENT

Van Zanten, Brown, Quidort, Snapp
Cornett
None

Motion carried.

11. LTR-SAAR
REFUND

By letter dated September 14, 1970, Mrs. Nancy B. Saar requests reimbursement of \$20.00 charged for towing away her son's motorcycle, which had been left on a dirt path while repairs were made to the rear tire. Understands a citizen has 72 hours in which to remove a vehicle from a public roadway. Were given only two hours, forty-five minutes.

By letter dated September 18, 1970, Police Chief states a citizen reported a partially stripped motorcycle laying off the roadway on Fanita Drive and that it had been there several days. Vehicle appeared abandoned and partially stripped and was impounded as such under the provisions of the Vehicle Code. Was in generally poor condition.

Motion by Quidort that the request be denied.

Motion dies for lack of a second.

Mayor Snapp advises Mrs. Saar called him and stated her son had gotten a ticket, plus the motorcycle was picked up and impounded. He had had a blowout and had taken the tire off and taken it home to repair it and when he returned it was gone. Was charged \$17.00, plus \$3.00 because it was over three miles, plus \$3.00 for special handling. Later came down \$3.00 because it was not over three miles.

Would be a problem if public money were used to rectify a situation like this, as similar type situations would be presented to Council constantly. A car could easily be towed away under the same circumstances. No action can be taken by the City against the person who reported this as his name is unknown.

Attorney McDougal feels something might be done about the citation if the motorcycle was only there a couple of hours.

Motion by Cornett, seconded by Quidort that no action be taken on the refund request and staff to check whether there can be administrative remedy on the citation.

Motion carried by unanimous vote.

12. LTR-GOALD
REFUND

Motion by Cornett, seconded by Quidort to grant request for refund of \$165.00 paid for a

lateral that is already existing, as requested by Mr. Tom Goald in letter of September 10, 1970.

Motion carried by unanimous vote.

12A. LTR-GROSSMONT
U.H.S. DIST.

By letter dated September 15, 1970, the Grossmont Union High School District proposes a

joint meeting with the City Council to discuss mutual interest in recreation and community activities where the sharing of facilities and a cooperation of program might exist and housing the District's future administrative center in a common central complex with the City administration and other offices. Other matters could be discussed if Council desires. Suggest the dates of October 13 or 15, 1970.

It is mentioned that October 13 will be a regular meeting date for Council. Brief discussion is held on whether this should be a special meeting or whether regular City business should be transacted.

Motion by Van Zanten, seconded by Brown to hold a Council Meeting on Tuesday, October 13, starting at 7:00 o'clock p.m. to consider resolutions and first and second readings of ordinances and to have a joint meeting with the Grossmont Union High School District starting at 7:30 o'clock p.m.

Motion carried by unanimous vote.

It is mentioned there will be a meeting on September 24, 1970, to hold a hearing on the trash rate increase.

12B. LTR-G I
FORUM

By letter dated September 17, 1970, the American G I Forum of the U. S.

requests permission to use the Council Chambers for their

meeting on October 8, 1970. Council are invited to attend and possibly to convene during part of the evening for the purpose of discussing a Human Relations Commission and taking possible action thereon.

Motion by Brown, seconded by Quidort that a letter be written advising that the Council Chambers are not used for such meetings by other groups and that perhaps they could use Library Hall, which is available on a rental basis.

Motion carried by unanimous vote.

13. LTR-WALKER AND At the meeting of September 8, 1970, Council discussed a letter from Mrs. Walker and Mrs. Connally regarding a drainage problem in the area of Tangerine, Navello, Bluebell and Bostonia Streets and continued the matter for a further report.

By letter dated September 16, 1970, City Engineer Pizzato advises it was suggested to these ladies at the meeting that they could construct the improvements in front of their property or contact the Engineering Division for a 1911 Act Petition to circulate for the improvement of Bostonia Street.

On June 9, 1970, a 1911 Act Petition for the improvement of Bostonia Street from Broadway to Greenfield was forwarded to another property owner in this area at his request. The subject properties are within the proposed district boundaries as shown on this Petition. Mrs. Connally was so advised and she indicated she would contact Mrs. Walker and the petitioner concerning the improvements.

Mr. Pizzato advises the petition went out by letter to Mr. Jerry L. Linsey and that putting out another petition would not be warranted. The ladies were given Mr. Linsey's name and if they are interested they will contact him. If they cannot contact him believes they will so advise if they are still interested in a petition. No further action is required at this time.

It is suggested this matter come back on the agenda at appropriate intervals with a report on what is happening. If the petition does not come in should contact the original requestee and see what the status is.

It is questioned if someone comes in under this circumstance, could they not be told who already has a petition and give them a copy of it. Might run some risk on duplication of signatures but may have a chance to get better results if more than one petition is out.

Mr. Pizzato states that could be one; the person is usually given a plat of the boundaries and a list of property owners. There might be two people in the area getting signatures and one not knowing what the other is doing. Feels it would be better to contact the person with the petition and if the reaction is not right could come back to the Engineering Department and state that person had dropped the petition and they would like to pick it up. Could then give them the whole package again.

No action taken.

14. LTR-LAMCO IND.
EXC. OF LAND

At the meeting of September 8, 1970, Council discussed a proposal for exchange of land in connection with the widening of Cypress Lane (proposed Bradley Avenue) to 102 feet. Lamco Industries also requested that 17 foot strip between Johnson and their property be dedicated to them.

By letter dated September 18, 1970, Mr. Pizzato advises the Engineering Division Staff had extensive negotiations since July, 1969, with Mr. John Ibe, President of Lamco Industries in regard to the dedication of right of way required from them at the southwest corner of Bradley and Johnson Avenues for the improvement of Bradley Avenue. When it appeared an impasse was reached the plans for Bradley Avenue were modified to eliminate the need for right of way from Lamco at this time.

All other right of way required for the Bradley Avenue project was acquired at no cost to the City. Suggest a more equitable solution to all concerned toward right of way acquisition would be to defer the matter until formation of an improvement district for the ultimate widening of the street.

Mr. Pizzato points out the area that is not needed at this time - states it is on the County's specific plan for the ultimate alignment of Bradley Avenue. The City has acquired the right of way at no cost on the south side of the street all the way to Cuyamaca. Points out the portion that will be needed eventually and states none of it is needed at this time.

Points out on the map the property Lamco requested be dedicated to them. Going by the existing right of way on Johnson, which is three feet back of the curbs, there is about 13 feet of excess right of way, all along Johnson Avenue because it was originally set up as a 70 foot right of way but was constructed with 64 feet between curbs. If Council wishes to determine any of that as excess, would suggest consideration be given to whether there should be an ultimate ten foot parkway along the street, leave it at 3 feet or something in-between, such as 8 feet, as has been done in the past.

Suggestion is made that this matter be considered when it becomes necessary.

Mr. Henson states Lamco would like the City property to the west of them because it would greatly assist them with a problem they are having on time with a design for building.

Comment is made that Council will have to decide whether this exchange of land would be fair to both parties.

Mr. Pizzato advises that the property in the green is in the proposed right of way of Bradley Avenue and it is in the City limits. Is not aware that the City has ever exchanged a piece of City property for right of way needed in an improvement district.

One opinion is that there is no justification for this - the property is in the proposed right of way and normally that is dedicated or condemned and reassessed to the District. This is good for Lamco but not for the City and the general taxpayer.

It is brought out that Lamco has not made an offer to purchase City property for the purpose of expanding their business at the present location. They have only offered to trade land and they should come back to Council if they have some other proposal. It might be different if they could not expand their development on site and would have to move to another location - Council does not have any of those details.

Motion by Cornett, seconded by Quidort that Lamco be informed that the City is not interested in exchanging land at the present time as outlined in their request.

Motion carried by unanimous vote.

15. NEWINGHAM PROPERTY At the meeting of September 14, 1970, Mr. Vernon Newingham spoke on the condition of his property at 616 Ballard Street. The Staff was instructed to proceed on enforcement of the Litter and Unsafe Building Ordinances.

Motion that Council not consider any abatement of the non-conforming use did not receive the necessary three affirmative votes.

Mr. C. Frazer, 520 Ballard, states his property adjoins the Newingham property at the rear 55 feet. This problem has been before Council many times and Mr. Newingham only cleans up when he is told to - would like to know how long this will continue - has chickens in his yard and peacocks fly all the way down to the church. Knows what was on this property when it came into the City and because they did not check on this were unaware of what he had until complaints came in. In 1958 Mr. Frazer built a new house and destroyed the old one and gave all the redwood siding to Mr. Newingham and that wood is still sitting in the back of his yard. Knows that once a man offered to purchase it but Mr. Newingham refused, saying he was going to use it. At one time he had a goat farm back there. None of the agricultural products that were on the property were his when the property came into the City. One man had rabbits on the property and another had two horses on the property - understood that when those animals were removed or died, then that use of the property ceased. Came into the City in 1958 - knows the chickens have not lived that long and has had at least five different persons in there with horses and once he had five horses there. Would like to know how long the City is going to continue giving notices to him to clean up and keep the animals caged. Feels Council should say he can no longer have agricultural products on the property. Realizes Council does not like to do this but it will probably be for Mr. Newingham's good - once he cleans it up it will raise the property value in the whole area - when realtors sell property on Ballard they do not take people by this property. Feels the property will have to be cleaned up eventually and that Mr. Newingham will have to sell some of it because he has too much land - has refused to sell some of his property. Has been the owner of this land since 1956.

Replying to questions, Mr. Frazer states when the property came into the City there were two horses and some rabbits, but does not know how many. By the time the complaints were filed he had the other animals on the property and that was when the City checked them. The horses that are there now are not owned by him.

Mrs. Glenn Pontsler, 540 Ballard, states she lives next door to Mr. Frazer and agrees completely with him. The animals are always in her yard and a rat even bit her child. Did not know about this when she bought the property and would like to have Council do something about it. There are always flies and the chickens, geese and peacocks make noise all night and would like to get rid of them.

Mr. Vernon Newingham states he bought the property in 1955 and there were horses there before the ones Mr. Frazer mentioned. Stated two girls took care of his children for him and kept their horses there. Did allow other persons to keep there horses there. The first complaint he had from Mr. Frazer was when one of the horses went through his yard - after he reduced the number of horses he kept them at the south end of his property, about 200 feet from Mr. Frazer's property. He had ducks, six variety of game fowl, rabbits and goats. States the previous Building Inspector had a list of the animals he had on his property, which included the goats. Does not want his chickens on other people's property and is reducing his flock. Did let a neighbor keep rabbits on his property. The Health Department has come out each time there has been a complaint on flies and has given him a clean bill of health as far as breeding places on his property is concerned. Did have a duck pond at one time but it has been filled up. Is controlling everything that is brought to his attention and the peacock has been caged for a year and very seldom makes any noise. The Health Department could not find any rats on his property and he has never seen any. There have been 7 complaints in 15 years and he feels not all of them were justified. Agrees the animals should be controlled but that he should not be deprived of the right to have them as that land has been used for agricultural purposes for over 100 years and he had animals there when he came into the City and he has a legal right to have them. Only 2 of the complaintants came to him first before going to the City and he should have been given the opportunity to take care of them first. Does have a few ducks and they are noisy - is reducing the number to control the noise. Is willing to cooperate and has done so in the past. Has never had a lamb on the property and two notices were complaints about lambs.

Attorney McDougal corrects Mr. Newingham's statement that he has a legal right to have the animals - the ordinance was changed in September of 1969 and says that the lawful nonconforming use of any property shall be discontinued within three years of the date such use became nonconforming or within one year from date of formal notice of termination, whichever is greater. It also provides that any nonconforming use or structure may be ordered terminated by the City Council within a period of time less than that set forth above, upon finding that the termination can be reasonably accomplished. He could argue that the three years has not expired yet since that ordinance has only been in effect since 1969. Might be well to take any action decided by Council by resolution. Is not quite accurate that he has a legal right to do this. Would not have to be a one year period to abate this if Council feels it is reasonable to abate this in a lesser time.

One opinion is that since this does not involve buildings, one year would be the maximum time allowed and that six months would be reasonable.

Mr. Jones advises the goats are in a private pen, the horses are kept on the back part of the lot and would not say a building is used only for the animals. Most of the buildings are substandard. States there are seven complaints on file since 1960 which does not include the two on the lamb.

Another opinion is that when people have edible animals should be given a period of time to phase them out. Would say that noise from a peacock and ducks would be abnoxious, but there is nothing obnoxious about the rabbits or horses and he should be allowed to keep them for a full year because it can be verified that he had them.

Comment is made the fact he had them there at that time no longer makes any difference in the ordinance. They are non-conforming today and can be abated today regardless of what he has. Would speak against one year abatement and it should be shortened so it would come on the spring side of summer because heat and summer breeds problems in themselves. Should give him six or nine months but not a year.

Motion by Cornett, seconded by Brown to abate the animal nonconforming use within a period of nine months.

Discussion.

Motion is clarified to show that this means all animals that are not legal according to the R-1-6 zoning ordinance as it reads today.

Votes are now cast on motion by Cornett, seconded by Brown to abate the animal nonconforming use within a period of nine months.

AYES
NOES
ABSENT

Cornett, Brown, Quidort, Snapp
Van Zanten
None

Motion carried by unanimous vote.

Councilman Van Zanten voted No because he feels a full year should be permitted.

Attorney McDougal states there will be a resolution within the next two weeks for Council and a copy will be sent to Mr. Newingham. Understands the motion was that the keeping of the animals be abated within the next nine months and that will be nine months from the date the formal resolution is adopted.

Suggestion is made that Mr. Newingham contact the City Attorney to find out what pets are allowed in the R-1-6 zone.

16. REFUND-DR.
ROSTEN

Motion by Cornett, seconded by Brown that Dr. Martin Rosten be refunded the sum of \$205.00 for a sewer lateral that was never installed, as recommended by the City Engineer in letter dated September 9, 1970.

Motion carried by unanimous vote.

17. ACCEPT IMPROVES.
EMERALD SEWER

Motion by Cornett, seconded by Brown to accept the Emerald Sewer Replacement from Washington to Lexington Avenues as recommended by the City Engineer in letter dated September 15, 1970.

Motion carried by unanimous vote.

18. LTR-CITY ATTY. By letter dated September 9, 1970,
PEPPER VILLA the City Engineer advised Arthur E.
1911 IMP.DIST. Staley and Staley and Lawrenz, Inc.,
contractors for the Pepper Villa,
et al. 1911 Act Improvement District, that they have not com-
plied with Section 6(b) of the Special Provisions for the
construction of the above district. The work is far behind
schedule and no apparent effort is made to make up lost time
or even maintain normal progress; sufficient personnel, equip-
ment and materials have not been provided to pursue the work
satisfactorily and many complaints have been received from
property owners regarding the inconvenience caused by the
unwarranted delay in completing certain phases of the work.

Requested a new schedule showing how they intend to proceed
with the remaining construction and complete this project
by September 29, 1970.

By letter dated September 17, 1970, the City Attorney advised
the firm that since they had not complied with the City
Engineer's letter, this matter would be on the Agenda of
September 21, 1970, at which time the City Engineer would
request suspension of the contract. Sets forth a partial
list of the discrepancies in their performance of the con-
tract.

Mayor Snapp advises Council will have a verbal staff report
and that the contractors have requested that this matter be
continued for one week.

Attorney McDougal advises he, Mr. Pizzato and Mr. Staley
met with the people from Stone and Youngberg, their attorney
and people from the bonding company and went through each
item mentioned in his letter. Now has basic accord with
all except two or three of these items. After discussing
this and listening to their position, indicated a recom-
mendation would be made to Council to continue this for
one week to see if any progress was made in solving many
of these problems. They have assured the City they will
make considerable progress, that a full crew is back on
the job today and that some of the work the Engineering
Department felt was unsatisfactory was being torn out and
would be replaced. They apparently want to make an effort
to comply with this.

Motion by Brown, seconded by Cornett to continue this
matter one week.

Motion carried by unanimous
vote.

19. IND.DEVELOP. Mr. Gale Ruffin's term on the El
COMMISSION Cajon Industrial Development
Commission expires on September 11,
1970.

Mayor Snapp states Mr. Ruffin has been out of town and he
has been unable to receive any confirmation that he would
accept reappointment.

Motion by Brown, seconded by Van Zanten to continue this
matter one week.

Motion carried by unanimous
vote.

26A. ADDED ITEM
LTR-SCOTT

Attorney McDougal advises he should have requested another item be added to the agenda. Has a letter from Mrs. Scott with respect to an offer on the property on Mollison. She is present tonight and asks that this be added so he can discuss it with Council.

Motion by Cornett, seconded by Van Zanten to add Item 26A, letter from Shirlee Scott offering to sell property at 302 South Mollison.

Motion carried by unanimous vote.

20. RESOLUTION 447-70 Adopted in earlier action.

21. RESOLUTION 448-70 Motion by Cornett, seconded by Van Zanten to adopt Resolution No. 448-70 denying Variance No. 273 to allow a sign constructed adjacent to property line on portion of Lot 1, Block 13, Subdivision of "S" Tract, Rancho El Cajon. (Hannah's Pie Shop).

Motion carried by unanimous vote.

22. RESOLUTION 449-70 Motion by Cornett, seconded by Van Zanten to adopt Resolution No. 449-70 modifying Traffic Resolution No. 6887 by establishing stop intersections in Granite Hills Subdivision; removing stop signs at newly signalized intersections; removal of no parking area on portion of Mollison Avenue north of Main Street; establishing a yield right-of-way control at Navajo Road and Fletcher Parkway.

Motion carried by unanimous vote.

23. RESOLUTION 450-70 Motion by Cornett, seconded by Van Zanten to adopt Resolution No. 450-70 approving agreement between City and Boys' Club of El Cajon, Inc. for construction of swimming pool.

Motion carried by unanimous vote.

24. RESOLUTION 451-70 Motion by Cornett, seconded by Van Zanten to adopt Resolution No. 451-70 approving contract for improvements. (Quick) (Split Lot Application No. 645).

Motion carried by unanimous vote.

25. RESOLUTION 452-70 Motion by Cornett, seconded by Van Zanten to adopt Resolution No. 452-70 approving contract for improvements. (Quick) (Split Lot Application No. 645).

Motion carried by unanimous vote.

26. RESOLUTION 453-70 Motion by Cornett, seconded by Van Zanten to adopt Resolution No. 453-70 accepting grant of interest in real property for public street purposes. (Gulf Oil Corporation) (Conditional Use Permit No. 344).

Motion carried by unanimous vote.

26A. LTR-SCOTT

Attorney McDougal advises he has received a letter from Mrs. Scott, dated September 16, 1970, saying that with respect to the property at 302 South Mollison Avenue that she is willing to sell it for the total sum of \$18,000. with the property owner paying the Title Insurance Policy but that the City pay all of the escrow costs. The escrow costs are usually split but are talking about \$150. at the most. With the amendment of Specific Plan No. 20 the total property is in the right of way. Mrs. Scott's representative had indicated they would accept \$19,000. Staff reported that about \$17,800. was the market value of property in that area. Council indicated the staff should continue to negotiate and subsequently Mrs. Scott sent the letter. It is signed only by Mrs. Scott and she indicated she was authorized to sign for the property. Did not check to see if Mr. Davis is on the title to the property. Did not have the appraiser do the full appraisal on this but he had appraised other property in the area and figured out the square footage and what might be comparable and his opinion was that \$17,800. was the correct price.

One opinion is that it would cost more than \$200. to get it fully appraised. It is in line with other property in the area and the City will have a need for it in the future, and apparently will not be able to buy it at a lower price.

Attorney McDougal feels it will be possible to charge it to an improvement district - there are no specific law cases where this has been tested but he and Mr. Pizzato thinks this can be done after reading the code. At that time might want to take into consideration that just part of this will be attributed to the district as one lane might be the City's responsibility to get a street through - it might be for the good of the general taxpayer. If this happens many years from now it could possibly be a problem but if it is done in the near future should be all right.

Motion by Brown, seconded by Quidort to accept the offer to sell.

Discussion.

Replying to questions Attorney McDougal states there is an assessment of \$1400. on this property from the Washington 1913 District and are buying the property subject to this. Mrs. Scott has just been advised that she has to hook up to the sewer. Her tenants have moved out but it has been occupied up to this time and could be occupied again by pumping out the septic tank or hooking up to the sewer. Apparently she has also received a notice to clean up the lot under the Litter Ordinance. The City cannot violate any of its own ordinances in relation to this property.

Votes are now cast on motion by Brown, seconded by Quidort, to accept the offer to sell.

Motion carried by unanimous vote.

Attorney McDougal advises there are two houses on the property. It is suggested that Mrs. Scott call his office tomorrow to complete this transaction.

27 and 28.
FIRST READINGS

Motion by Quidort, seconded by Brown to have first reading on Item 27, Zone Reclassification No. 888 (Cope & Hackert); and Item 28, Amendment to Specific Plan No. 138, El Cajon Valley Hospital.

Motion carried by unanimous vote.

27. Z.R.888
COPE & HACKERT

City Clerk reads heading of an ordinance rezoning portions of Lot 20, Block 11, Bostonia Acres Extension, into Zone "C-2". Zone Reclassification No. 888 (Cope & Hackert).

Motion by Quidort, seconded by Brown to waive first reading of above ordinance.

Motion carried by unanimous vote.

28. AMEND S.P. 138
E.C.V.HOSPITAL

City Clerk reads heading of an ordinance amending Specific Plan No. 138 for addition of a 30' x 40' dining area for an employee cafeteria on portion of Blocks 21 and 31, "S" Tract, Rancho El Cajon.

Motion by Quidort, seconded by Brown to waive first reading of above ordinance.

Motion carried by unanimous vote.

29. ORDINANCE 2296

City Clerk reads heading of an ordinance rezoning a portion of Lot 1, Bradley Acres, into Zone "C-2". Zone Reclassification No. 899 (Bradley Properties).

Motion by Quidort, seconded by Brown to waive second reading of above ordinance and to adopt Ordinance No. 2296, rezoning a portion of Lot 1, Bradley Acres, into Zone "C-2". Zone Reclassification No. 899 (Bradley Properties).

Motion carried by unanimous vote.

30. ORDINANCE 2297

City Clerk reads heading of an ordinance rezoning a portion of Lot 37, Subdivision No. 1 of Chase Rancho, into Zone "R-3". Zone Reclassification No. 900 (Smith).

Motion by Quidort, seconded by Brown to waive second reading of above ordinance and to adopt Ordinance No. 2297, rezoning a portion of Lot 37, Subdivision No. 1 of Chase Rancho, into Zone "R-3". Zone Reclassification No. 900 (Smith).

Motion carried by unanimous vote.

31. ORDINANCE 2298

City Clerk reads heading of an ordinance amending Article 5, Section 502 of the Zoning Ordinance of the City of El Cajon.

Motion by Quidort, seconded by Brown to waive second reading of above ordinance and to adopt Ordinance No. 2298 amending Article 5, Section 502 of the Zoning Ordinance of the City of El Cajon.

Motion carried by unanimous vote.

32. WARRANTS

Motion by Quidort, seconded by Brown to approve Payroll Warrants Nos. 12801 through No. 13117 in the amount of \$111,181.55 and Commercial Warrants No. 27237 through No. 27272 in the amount of \$146,364.63.

Motion carried by unanimous vote.

32A. ASSESSMENT NOTICES 1911 & 1913 DIST. Copies of the Notice of Hearing that is signed by the City Clerk and copies of the proposed new notice to be signed by the City Engineer have been presented to Council.

Councilman Brown states the new notice which shows the cost breakdown on various items done in Improvement Districts is a great step forward.

Motion by Brown, seconded by Quidort to adopt this as a policy of notification and that it be used in the next assessment district, Madison et al.

Discussion.

Mr. Pizzato states the new notice was rather hurriedly done and is not sure all of the items would fit in all cases - would like to be able to use discretion - in the event there is severance damages included in one may prefer to list separately or include it under right of way, etc.

One comment is that if he feels it is necessary to have a further breakdown on some particular parcel, would not be opposed to that. Does not want the discretion to extend to the point of combining it all into one figure again.

Brief discussion is held on whether such items as drainage, which would not apply in all cases, should be eliminated. Feeling is that any item that would not apply to a district would be left blank and that while most items are on it, in case something needed to be added it could be done.

Item 7 is "Right-of-way" and in the definition of Incidentals there appears the words "right-of-way acquisition expenses". It is felt that people may be confused by the use of "right-of-way" in two places. Decision is to leave the words "right-of-way" out of the definition and leave it just "acquisition expenses".

Attorney McDougal explains there was no way to combine the legal notice required and this new form - would take two legal pages and decided that would be so complicated if it were put in one document that it would lose its force in attempting to give further information and make it clear. This means two notices will have to go out, the Notice of Hearing signed by the City Clerk which gives notice about the general area of the district, the nature of the improvement, the total estimated cost, the estimated assessment, and the date of the public hearing, which takes one legal sheet. Would like to know if Council wishes both of these sent in the same envelope and to have the City Engineer sign the new form. Feels it would be best to have the Engineer sign the information sheet and the City Clerk sign the notice. The totals will agree on the two forms.

It is brought out that it will take superhuman effort to get these figures ready for the Madison et al. 1911 District, as the notices have to be mailed by October 2, 1970. Mr. Pizzato explains the new way the figures will have to be combined and is not sure that doing it this way will save any time. May be able to work something out for future districts that will eliminate one step. After further discussion it is agreed there will be time to get these figures ready and mailed out in the Madison et al. 1911 District.

32B. PROPOSITION 18 Councilman Brown states Proposition 18 will be on the November ballot; this is a constitutional amendment to allow by vote of the people the use of up to 25% of the gas tax funds for things other than streets - can be used for mass transit, for retirement of bonds but it could not be used for the operation of mass transit. Could also be used by Counties that need roads and nothing else and that do not qualify for State highway funds. In those Counties they could vote to use up to 25% of State Highways funds to build their local roads. In San Diego County would allow approximately \$5,000,000. a year to be taken from State Highway funds allocated to this County - could sell revenue bonds at a minimum of \$60,000,000., which could be used as matching funds for the Federal Mass Transit Act, which is virtually assured of passage and would provide Ten Billion Dollars over the next twelve years. Will be allocated on a 1/3 2/3 matching basis but must be matched and cities that cannot match cannot participate. Does not see any place where the matching funds can be secured unless something of this nature is done. Project by project it will have to go to a vote of the people within the county as to where those funds will be spent or in a case of a multi-county transit area, would be to a vote of the people within that area. In San Diego County it would be County-wide and for the first time the people who are paying the bill, the voters, will also be a majority of the voters and will have an option of where he wants that money to go. This will increase home rule by allowing people in this area to vote on how they want their money spent other than on roads. Feels this is a very fine measure. There was another legislative bill that was going along with this that was killed by the Highway lobby. That bill said none of the money could be taken that was needed for the 90-10 matching Federal Funds on the Highway System.

Motion by Brown, seconded by Cornett that the Council endorse and support Proposition No. 18 on the November ballot.

Discussion.

Councilman Brown explains that the Highway Lobby has opposed this proposition, also the Auto Club, State Chamber of Commerce and the Highway Development Association. Agrees this is a lot of opposition but while the Auto Club might oppose it, the membership might not, which is true of any organization.

Attorney McDougal advises the local Board of Directors of the Chamber of Commerce have supported this bill and so notified all the legislators. Councilman Brown states all of the local legislators with the exception of John Stull voted for this - both senators and assemblymen. Some cities and states have bond issues up for matching funds - will be committed on a five year basis and if this is not passed now to have matching funds available, the first five year allocation will be used up in the first year by those communities that have the matching funds.

Votes are now cast on motion by Brown, seconded by Cornett that the Council endorse and support Proposition No. 18 on the November ballot.

Motion carried by unanimous vote.

33. REPORT OF
COUNCILMEN

No one spoke on this item.

34. ORAL
COMMUNICATIONS

No one spoke on this item.

ORDER OF ADJOURNMENT

Motion by Quidort, seconded by Brown that the adjourned regular meeting of the City Council of the City of El Cajon, California, held this 21st day of September, 1970, is adjourned at 11:10 o'clock p.m. to Thursday, September 24, 1970, at 7:30 o'clock p.m. in the Council Chambers of the City Hall, 150 East Lexington Avenue, El Cajon, California.

Motion carried by unanimous vote.

Richard R. Henning
City Clerk