

CITY OF EL CAJON
EL CAJON, CALIFORNIA
DECEMBER 14, 1970

An adjourned regular meeting of the City Council of the City of El Cajon, California, held Monday, December 14, 1970, was called to order by Mayor Pro Tempore Albert L. Van Zanten 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 November 30, 1970, by order of the City Council.

F O L L C A L L

Councilmen present	Cornett, Brown, Quidort, Van Zanten
Councilmen absent	Snapp
Other Officers present	Hensley, City Clerk; McDougal, City Attorney; Applegate, City Manager; Pizzato, City Engineer and Director of Public Works; Henson, Director of Planning.

PLEDGE OF ALLEGIANCE TO FLAG.

The invocation is offered by The Reverend William Johnson, Lexington Church of Christ.

PRESENTATION Mr. Collier, President of the
FIRE DEPT. Kiwanis Club of Alpine, presents a
Distinguished Service Award to Fire
Chief Owen and the El Cajon Fire Department for their participation in fighting the Laguna Fire.

MINUTES Motion by Quidort, seconded by
Cornett to approve the minutes of
the November 23, 1970, meeting.

Motion carried by unanimous vote
of those present.

Motion by Quidort, seconded by Cornett to approve the minutes
of the November 30, 1970, meeting.

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

Motion carried.

Councilman Brown abstained because he was not present.

POSTING The order of adjournment of the
November 30, 1970, meeting was duly
posted as required by law.

ITEMS ADDED & HELD OVER Motion by Quidort, seconded by Brown
to continue and add the following
items as requested by Manager Applegate:

Add 51A - Resolution releasing covenant in connection with
Diamond Crest Park Subdivision.

Add to Item 22 a resolution granting easement to San Diego Gas
and Electric Company.

Continue Item 53 one week.

Executive session on Item 52, all as requested by Manager
Applegate.

Motion carried by unanimous vote
of those present.

1. HEARING-APPEAL Time has come for public hearing on
Z.R. 920-KRESS appeal filed by Paul J. and Reta C.
Kress on the decision of Planning
Commission Resolution No. 2920, denying Zone Reclassification
No. 920 to reclassify property on the south side of Broadway
at Oro (1201 Broadway), from the R-P Zone to the C-2 Zone.

Mr. Paul J. Kress, 1201 Broadway, hopes to persuade Council to act favorably even though the request is a little contrary to the General Plan, which is only a tool to be guided by. Some aspects will remain valid for the life of the plan and other parts will become obsolete almost with the plan's inception. Believes the General Plan may be undergoing obsolescence in regard to his property for the following reasons: One of the most important things businesses will be looking for is the traffic count, and last May there were 14,000 cars per day on Broadway, which represents a 2,000 car per day increase over the previous year. If this increase continues for the next three years, traffic will jump to a very heavy 20,000 cars per day.

Another important aspect involves the zoning structure on the south side of Broadway, between Second and Oro, which contains sixteen properties, nine of which are zoned commercial. Broadway on both sides has been designated commercial from Crosby Street east. There are three properties on the south side which need only apply for commercial and Mr. Kress has been told they intend to exercise this option in the near future. Of these sixteen properties, only four are not zoned commercial or do not have the commercial option, and his is one of those. His property has had a commercial use (an antique shop) for the last several years. His property has been in escrow for two months pending the outcome of this meeting: the buyer is ready to develop it as a produce market, but cannot do so unless commercial zoning is approved. Mr. Kress requests that he be shown the same consideration as his neighbors, as he has the same potential as others in the block.

It is pointed out that several years ago Mr. Kress went to great lengths to show that the use he had put his property to was a different sort of commercial and could fit into the R-P Zone, so it is felt that portion of his argument is not valid. The fact that traffic goes by is not a valid argument per se, as there are many residential areas which have a high traffic count.

Mr. Kress realizes this, but feels this stretch of Broadway has enough commercially zoned properties to attract more businesses.

Mr. Joseph LaFata, 1731 Garywood, states he would like to buy this property to put a produce house in, which El Cajon needs.

Mr. Hugh Samuels, 1015 El Cajon Boulevard, agent for Glenn Mitchel Realty, confirms this property is in escrow contingent on commercial zoning. It is the general consensus in his office and others that Broadway is of commercial potential. He is aware of the hearings before the General Plan was adopted and the discussions in regard to Broadway.

No further comments were offered.

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

Motion carried by unanimous vote
of those present.

Comment is made that lengthy hearings were held before adoption of the General Plan. Traffic going by is not nearly as important as traffic that stops. Broadway is used to a large degree

as a thoroughfare and the traffic count does not necessarily make commercial property.

Motion by Brown, seconded by Cornett to concur with the Planning Commission for the reasons stated, and refer this matter to the City Attorney for a resolution denying the appeal, in accordance with Planning Commission Resolution No. 2920.

Motion carried by unanimous vote of those present.

2. HEARING-Z.R. 917 Time has come for public hearing on
HAMPY Zone Reclassification No. 917 submitted by Harold F. and Minnie C. Hampy to reclassify property on the west side of South Anza, between Redwood and Washington (504 South Anza) from the R-1-6 Zone to the R-3 Zone.

Planning Commission Resolution No. 2914 recommends approval subject to dedication of right of way for Washington Drainage Channel as required by Specific Plan No. 54 and approval of a Specific Plan of development within one year of final approval of this zone reclassification.

No written protests were received nor verbal protests offered.

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

Motion carried by unanimous vote of those present.

Motion by Cornett, seconded by Brown to refer Zone Reclassification No. 917 to the City Attorney for preparation of an ordinance according to Planning Commission Resolution No. 2914.

Discussion.

Mr. Pizzato advises the Washington Channel Specific Plan affects the southwest corner of this parcel. The Phillips property discussed recently is some distance to the north opposite Redwood.

Comment is made that there is no requirement that this matter be returned to the Planning Commission if the specific plan is not approved within one year. Attorney McDougal advises Council has not normally done this and would have to be referred back to the Planning Commission if that is done. If Council desires, they could automatically set it for hearing (if the specific plan is not approved within one year) to revert it back.

As the matter stands now, if the specific plan is not adopted within one year, the zone reclassification is not valid and the applicant has to reapply to obtain the zoning at a later date. One of the problems in the past has been that applicants request approval after the time has expired. Attorney McDougal states it has been ruled that if a person requests an extension within the time established, Council can grant a reasonable extension. If the time has expired they have to start over. Also, the extension should not be an indefinite period, perhaps not more than one six month extension, on the basis that the character of a neighborhood might change, and would not be an appropriate zone by the time they get around to it.

Votes are now cast on motion by Cornett, seconded by Brown to refer Zone Reclassification No. 917 to the City Attorney for preparation of an ordinance according to Planning Commission Resolution No. 2914.

Motion carried by unanimous vote of those present.

3. HEARING-Z.R. 919 Time has come for public hearing on
CURTIS Zone Reclassification No. 919 sub-
mitted by George H. Curtis to re-
classify property on the south side of Peach Avenue, between
Third and Second Streets (1431 and 1433 Peach Avenue) from
the R-3 Zone to the R-1-6 Zone.

Planning Commission Resolution No. 2916 recommends approval
of the R-1-6 Zone.

No written protests were received nor verbal protests offered.

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

Motion carried by unanimous vote
of those present.

Motion by Quidort, seconded by Brown to refer Zone Reclassifi-
cation No. 919 to the City Attorney for preparation of an
ordinance according to Planning Commission Resolution No. 2916.

Motion carried by unanimous vote
of those present.

4. HEARING-Z.R. 921 Time has come for public hearing on
MILLER Zone Reclassification No. 921, sub-
mitted by Paul Miller to reclassify
property on the east side of Lincoln Avenue, between Lexington
and Camden (403 Lincoln Avenue) from the R-1-6 Zone to the
R-3 Zone.

Planning Commission Resolution No. 2921 recommends approval
of the R-3 Zone, subject to dedication for future interior
street (Specific Plan No. 109) and approval of a Specific Plan
within one year of final approval of this zone reclassification.

No written protests were received nor verbal protests offered.

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

Motion carried by unanimous vote
of those present.

Motion by Cornett, seconded by Quidort to refer Zone Reclashi-
fication No. 921 to the City Attorney for preparation of an
ordinance according to Planning Commission Resolution No. 2921.

Motion carried by unanimous vote
of those present.

5. HEARING-AMEND Time has come for public hearing on
S.P. 94-MITCHELL amendment of Specific Plan No. 94,
showing an 18-unit development on
property on the west side of Lincoln between Washington and
Camden (644 and 646 Lincoln Avenue).

Planning Commission Resolution No. 2924 recommends approval
subject to certain conditions.

No written protests were received nor verbal protests offered.

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

Motion carried by unanimous vote
of those present.

It is questioned how credit can be given for two on-street
parking spaces when there is a fire hydrant to be installed;
if there is no parking for ten feet on either side of the

hydrant, would there still be a parking space? Mr. Henson concurs that credit should not have been allowed for this space. There is enough space on site to add another parking space and would make this recommendation.

Since the plan says there is to be no decrease in parking capacity, and since there is room on site, it is hoped this can be found to be a minor change. It is hoped that in the future all reference to offsite parking will be eliminated.

Attorney McDougal suggests if they want to find this a minor change that the hearing be continued one week and it be referred to the Planning Director to contact the applicant to correct the map.

Motion by Brown, seconded by Quidort to reopen the public hearing, continue the matter one week, and request the applicant to furnish a map showing one additional parking space.

Motion carried by unanimous vote of those present.

6. PLAN. RESID. An application has been submitted
DEVEL. #1-McKEON by McKeon Construction Company to
CONST. CO. construct Planned Residential Develop-
ment No. 1 for 138 units in the pro-
posed R-3-R Zone at the southeast corner of Greenfield Drive
and Mollison Avenue.

Planning Commission Resolution No. 2936 recommends approval subject to certain conditions.

Mr. Frank Newberry, representing the McKeon Construction Company, 3435 Camino del Rio South, San Diego, states this is the first planned residential development for El Cajon. Agrees with the Planning Commission recommendations but would like clarification on the requirement of the 40 feet recommended by the Engineering Department for "A" Street. Mr. Henson explains Mr. Newberry is referring to the tentative subdivision map now - the Planning Commission has recommended a 31 foot street.

Mr. Newberry continues that they plan to sell these condominiums, each owner will own an individual unit in fee. Shows pictures to Council of what these units will look like when constructed. This is a relatively new concept - each building has its own design, in the rear is a patio area and a two-car covered carport, all the drive areas are private and there are no public streets; the easements for sewer and water will be discussed under the tentative map. Walls will be built according to local code - there are two walls built of masonry concrete which do not touch, with $1\frac{1}{4}$ inch masonite between them to deaden sounds and some of the walls have further insulation. Explains that when these units are purchased the cost of maintaining the exterior yards, walls, roof, fences, are included in the monthly payment. A reserve is maintained for the private drives and walkways. A non-profit corporation is formed which is run by the home owners - the officers of the corporation are elected from among the home owners and they have control over the exterior area. This is a FHA approved loan and they have strict restrictions on the upkeep of the exteriors - if a person states they do not want to pay the home owner's charge, his property automatically goes into default. Have had no problems in sales or resales of these units. Are one of the most acceptable types of condominiums because they have two and three bedrooms with two baths - many people are looking for this type of unit because they do not want to mow the grass, etc. and if that is all included it is most acceptable. All rights to the property are the same as any other home except the exteriors are in the home owners association. The reserves have to be set up

before the financing and the figures have to be factual. It is an outside chance that the home owners group would want to increase the payments, but if it should happen the corporation could elect new officials and stop it. An accounting firm maintains the books - his company stays in this program for about a year - FHA has asked them to stay in indefinitely - are presently maintaining several dozen home owners associations mainly as a bookkeeping service. The FHA gets an annual report of the homeowners association income and expenses. The Division of Real Estate wants to know what the homeowners association charges are and in the report made to the Division have to specify their annual budget. As much policing as is possible is done within the public jurisdiction.

Replying to questions, Mr. Newberry stated the map shows a six foot high wood fence on the south and east sides - could be a masonry fence - have discussed several types but have not decided on details of the fence construction.

Attorney McDougal feels Council could require a masonry fence on the south portion of the property as it is adjacent to residential property. This should be taken care of on the tentative subdivision map.

Mr. Newberry states they have been planning on using an adobe slump stone in the cabana areas and could carry that same idea throughout the development where there are fences. It is attractive and they would have no objection to using it.

Mr. Henson states this property was zoned R-3-R rather than R-3 because the Planning Commission was guided by a former action. Mr. Newberry requested rezoning on property on Jamacha first and the Commission felt R-3-R was the proper zoning. Applicants asked for R-3 on this property and the staff recommended it, but the Planning Commission recommended R-3-R.

Mr. Newberry states there was a check on R-3 density and his company does not need that density and there is not an appropriate zone in the City to give them an in between zoning. Have always planned to build two stories and feels they decided on the R-3-R to tie down the moderate density. Units average between 1200 and 1300 square feet and are planning on selling them from \$19,000. to \$23,000.

No further comments are offered.

Motion by Quidort, seconded by Cornett to refer Planned Residential Development No. 1 to the City Attorney for preparation of a resolution according to Planning Commission Resolution No. 2936, with masonry walls to be substituted for wood fences.

Motion carried by unanimous vote of those present.

7.	TENT. SUB. MAP	Tentative Subdivision Map No. 176
	176-MOLLISON	Mollison Townehomes has been submitted by McKeon Construction Company to divide property located on
	TOWNEHOMES	the southeast corner of Greenfield Drive and Mollison Avenue into 139 lots.

By letter dated December 2, 1970, the Planning Commission recommends approval of this tentative map, subject to certain conditions.

Question is raised if this developer develops "A" Street as a half street can they then fence off intrusion of other people from using this street. If the other half of the street, which is presently an easement used for utilities and people to

drive on, is muddy and full of water, the people will drive on the paved portion, which would be the wrong side of the street.

Mr. Pizzato advises the Streets and Highways Code states a 30 foot street cannot be developed unless Council adopts a resolution setting forth certain facts, while a 40 foot street is acceptable. "A" Street is not intended to be a private street. In a multiple development such as this, would normally have a 40 foot travel lane ultimately within the 60 foot right of way. They are proposing a 20 foot half-travel way. Normally on a boundary street in a subdivision it is required that they dedicate for two lane traffic, which is one lane in the opposite direction, and to dedicate and relinquish access rights to a one foot strip so the property abutting the street on the other side does not have street frontage and so would require some sort of application before they could develop the property and street dedication if it were in the City. If Council wishes to accept a 30 foot street with 20 feet of paving, would have to prohibit parking along the frontage. Customarily when a partial or sub-street is constructed, the City does not physically prohibit access from the adjoining property unless it is a hazard to go off the side of a street - if it is a hazard barricades are required but if it is merely going off a public street onto private property usually post a warning marker. Would have to check to find out what the easement rights of the property owners are.

Mr. Newberry states some of the easements are granted to the adjacent neighbors and not as a public easement. All the property owners fronting on "A" Street own fee title - is rather a mixed up arrangement. His company has fee title up to the middle of "A" Street - points out on the map where their property line is and which property is in the County. Are proposing that a 30 foot private "A" Street be all on their property and that it be dedicated as future right of way, but not to dedicate it now. The City has other points to tie in for a future street and when this street goes through it will be a 40 or 60 foot street and "A" Street would become a part of it. At this point in time would handle this as a private street - would all be constructed on their property. Are willing to build a 40 foot street but would do it by going another ten feet into their property - consequently this would throw the street out of line for the future street. Designed this with the idea of building the street to City specifications and would dedicate it for future right of way and until such time as it was picked up for public right of way, would maintain it as a private street. If the property owners to the east dedicated their 10 foot easement, then this should be a public street.

Comment is made this would create a difficult situation for the developer to try and get these easements dedicated. Mr. Newberry agrees and feels he would not be able to do so, as there are some people who would like it but some do not. They feel that if they dedicate this as part of a street then they become dedicated to the City of El Cajon for future annexation. Would build this to specifications so that when it becomes a public street it would be there for the City. If a barrier is erected on their property line and build the street the street goes nowhere so there would be no point in anyone driving down it unless they wanted to get into this development. Intend to build a barrier to keep people to the east from driving on this street - at present it is a dirt street in a very poor shape and if they pave their portion those people would use it. Plans presently show a fence of some type as a barrier.

One opinion is that it would be more desirable to leave this as a private street as it would be difficult to get the other land paved for a public street.

Attorney McDougal feels the Streets and Highways Code sections would allow the developer to dedicate the street, the City would reject it, which would leave their dedication as a continuing offer and the City could accept it at any time. Would like to review that section to be sure, but if it cannot be done that way, would be able to do it by an agreement if Council wishes.

Mr. Pizzato feels the City would be able to inspect this street to be sure it is built to City specifications for a public street. There is no indication on the tentative map, in Engineering or Planning recommendations that this is to be a private street. It does not have to be there at all as far as the City is concerned. If Council wants to consider this as a future street, developed to standards now as a private street, would only have to make that a requirement. They would dedicate it, the City would reject it but would accept certain easements for sewers, etc. The tentative map proposes to dedicate it, but Council can change it.

Opinion is expressed that having this as a private street makes better sense - the developer should be protected from having other people tear down the paving, which this will take care of. No one should be allowed to get a free street.

Another comment is that the developer will take care of his own no parking on this street, maintenance, etc. This should be a private street barricaded off from other users.

Manager Applegate states the staff does not see any problems with this but it should be mentioned that in a subdivision it is customary to require them to pick up ten feet on the other side to provide for a 40 foot street, when it is a boundary street, which gives two driving lanes and a parking lane. Does recognize the problems they would have in doing this but have recognized problems other subdividers have had in the past in doing this. He has the right of condemnation in certain circumstances; if he paid the costs, the City could pursue condemnation.

Question is raised if it would not be better to have someone on the staff notify these people that this is going to be done and tell them if they wish to contribute to the cost of that extra ten feet they would have the use of that street.

Mr. Pizzato states that is not the way he would do it unless Council wishes it done that way. He would put a much greater burden on the developer as he does not see that this is any different than any other subdivision.

Comment is made that this is a little different as this is the boundary of the subdivision and also the City boundary, so are not considering just a city street.

Attorney McDougal is somewhat reluctant to have Council approve a subdivision map which encompasses an alley until the vacation proceedings have gone through as the City could run into some problems regarding utility easements, etc. Item 8 on the agenda, which is a related item, asks that this property be released from any obligation in the 1911 Act that is proposed in this area. If this tentative map is granted and divide this property into lots, may be a real problem in spreading the assessments in the District.

Mr. Newberry states they are not asking for that - it is only on a portion of the property. It is pointed out on the map the portion that the 1911 Act would apply to, which is land they are purchasing. Are buying property to the rear of the Hanson property and are asking that just that rear portion be relieved from the 1911 Act that applies to the front portion. Are not fronting on that particular street.

Mr. Applegate states on Item 7, No. 3 in the Engineering recommendations, indicates the frontage on Mollison for this project is being done in the 1911 Act. They are talking about splitting these lots out - should have an understanding, because this subdivision map will probably be completed before the second hearing on the 1911 Act - would be difficult to assess the lots at the rear end if they have been sold off. Probably should ask these people to put in their improvements on Mollison and delete them from the 1911 Act. Trying to spread an assessment over this land after it has become a subdivision will be a problem - no problem as long as it is one piece of property. Council may want to have them put the street improvements in but leave them in the 1911 Act so they will have an area assessment for drainage. Believes it will be complicated to leave them in the 1911 Act if the subdivision is completed first.

Mr. Newberry states they do not want the individual owners to be assessed in the 1911 Act. Will either put in the street improvements as part of the subdivision or put up a cash or surety bond with the City as their portion of the cost when it does go in, so that when a unit is sold there is no 1911 charge to those individuals.

Suggestion is made it should be determined what the cost in the 1911 Act would be to this property as one parcel and then require that as a bond - otherwise will be difficult to assess the proper area.

Mr. Pizzato states it will depend on the timing of this subdivision as to whether or not the 1911 Act will be far enough for the assessments to be spread so as to determine the amount of the bond. They can either put in the street and then are risking their proceeding with their project if the street is designed with the assumption they will put it in. They can put up sufficient cash to cover the costs against the entire parcel as it stands now rather than try to assess individual pieces. Probably the best procedure is to have them put the street in themselves. The matter of the drainage assessment is a different problem and is not sure it has been handled adequately - there is a substantial amount of drainage in this area and a storm drain should be constructed down Greenfield but there is no place to discharge it unless it goes all the way down to the Broadway Channel and that will not be done under the proposed assessment district. The drainage facility should go westerly along Greenfield - under a proceeding with Straza, they have signed a lien contract for sharing in a storm drain. Perhaps it can be worked out so these people will post a bond for their proportionate share. Raised the question in his report and stated the solution was not evident but that a study should be made.

Statement is made a determination should be made as to what it would cost to take care of all these problems and then require a bond to cover them and take care of it as one parcel.

Agreement is expressed with that view. If the district did not happen soon enough and they wanted to put in their improvements in advance, would have to figure out some way to get an assessment spread that would accrue to them for things other than street improvements.

Mr. Pizzato states there is no estimated time for the construction of the drainage ditch on Greenfield. The estimated construction date on the Improvement District is next spring. Does not know what the estimated construction date is on this project.

Mr. Newberry states they are planning on beginning immediately so feels they would be into the street improvements before the

district started their work. Would have no objection to posting a cash or surety bond to cover any eventualities but would like to have a very accurate estimate. Assuming they will sell the units out by 1971 and then if the estimates are too low would be caught short in 1972.

Attorney McDougal states in the past bonds have been set to not exceed a certain figure and this depends upon the Engineering Department being able to figure the costs fairly close. In this instance feels their estimates would be close because are getting fairly near to construction.

Suggestion is made that the developer's proportionate share of the storm drain on Greenfield be included in the bond, even though it may not be accomplished for some time.

Mr. Newberry reads a letter dated December 11, 1970, from McKeon Construction Company advising they will enter into an agreement with the City to complete all improvements required by the City in accordance with the approved tentative or final plan: will post a Performance and Labor and Material bond in the amount required by the City Engineer, to guarantee all improvements required.

Attorney McDougal states that since there is a subdivision map in conjunction with this and bonds are posted to guarantee work on subdivision, it is possible the staff can recommend a figure that will be less than the maximum of the two so they will not have to post twice as much for the same thing. This is the first development of this type so there are a few unusual things. Understands that from what Council has indicated, their action on Item 7 will solve Item 8, so that the rear parcel will bear its proportion of the costs. Regarding the alley, feels this item should be approved contingent upon a vacation proceeding and if they want a hold harmless agreement while the City is going through the vacation proceedings, can work that out with them. Could have problems if this tentative map is approved before going through the vacation proceedings.

Motion by Brown, seconded by Cornett to approve the tentative map subject to the vacation of the alley and the posting of the necessary bonds to guarantee street improvements both on site and offsite, including the proportionate share of the storm drain in Greenfield.

Motion amended later.

Clarifying the motion, the bonds are related to the Improvement District costs.

Mr. Pizzato asks if this means the property be included in and the work be done as part of the 1911 Improvement District, or giving them the option.

Councilman Brown states the intent is to give them the option but even though they put in street improvements there are other things that would be assessed under the improvement district, so feels the bond should be sufficient to cover those costs.

Councilman Cornett, further clarifying the motion, feels if they do install the street improvements, can come in and ask for a reduction in the bond amount.

Mr. Henson understands the motion was for the 30 foot private street with the offer of future dedication on Street "A" and that the interior streets will be 31 feet rather than 27 feet. The interior streets do not have to be built to City standards but Street "A" does.

Councilmen Brown and Cornett amend the motion to include construction of Street "A" to City Standards and to be inspected by the City.

Votes are now cast on motion by Brown, seconded by Cornett to approve the tentative map subject to the vacation of the alley and the posting of the necessary bonds to guarantee street improvements both on site and off site, including their proportionate share of the storm drain in Greenfield; and that "Street "A" is to be constructed to City Standards and to be inspected by the City.

Motion carried by unanimous vote of those present.

8. LTR-MCKEON CONST. By letter dated December 9, 1970,
ALLEY VACATION McKeon Construction Company requests the vacation or the deeding back of a proposed alley on the east side of Mollison, between Broadway and Greenfield.

Letter also requests that the proposed Mollison Avenue improvements not be assessed against the portions they are buying.

Motion by Cornett, seconded by Brown to refer this matter to the City Attorney.

Motion carried by unanimous vote of those present.

Recess called at this time; meeting called back to order by Mayor Pro Tempore Van Zanten at 9:05 o'clock p.m.

9. LTR-CENTRAL By letter dated December 3, 1970,
FEDERAL TEMP. Central Federal Savings request
BUILDING permission to place a temporary office building in the Parkway Plaza on the eastern extremity of the existing paved parking area, adjacent to the access road which enters the shopping area from Fletcher Parkway. Expect to have said building removed on or before August 31, 1971. The building will be a Type 5 structure, meet Fire Zone 2 requirements, and have an I.C.B.O. design rating.

Motion by Cornett, seconded by Quidort to concur with the request, subject to normal staff control.

Discussion.

It is requested whether these people are asking something different than was required of U.C.B., or whether they are requesting that a trailer be approved. Sometime ago Council ruled trailers could not be moved on and used for offices. It is pointed out that under the motion, the staff would not allow something different than the action on U.C.B.

Votes are now cast on motion by Cornett, seconded by Quidort to concur with the request, subject to normal staff control.

Motion carried by unanimous vote of those present.

10. LTR-U.C.B.-EXT. Motion by Cornett, seconded by Brown
TEMP. BUILD. to approve request for extension of expiration date for removal of a temporary bank building to June 1, 1971, as requested in letter from United California Bank dated November 30, 1970.

Motion carried by unanimous vote of those present.

11. LTR-STOUGH- By letter Mr. Elson S. Stough,
MADISON 1911 Executor of the Estate of Marion
S. Kelleher, requests that all of
this property at the corner of Camden and South Magnolia
Avenue be included in the Madison, et al. 1911 Improvement
District, for the specific purpose of street improvements
on Camden Avenue and Farragut Circle.

Mr. Pizzato and Attorney McDougal agree this could be done.

Motion by Brown, seconded by Quidort to grant the request.

Motion carried by unanimous vote
of those present.

12. WAIVE.IMPROV. Leo B. Althoff has submitted an
ALTHOFF application to defer installation
of improvements adjacent to 676
and 684 Grape Street.

It is pointed out that in the past Council agreed that no
more maintenance would be done on Grape Street, except for
a temporary coating. Favor is voiced to vacating Grape
Street, maintaining the walkway. This action apparently
would create a panhandle lot.

Motion by Brown, seconded by Quidort to waive the require-
ments subject to a lien contract, cash or surety bond guar-
anteeing construction of improvements in the future.

Motion amended.

City Engineer indicates dedication is required for Grape
Street. This property has no frontage on Naranca.

Councilmen Brown and Quidort amend the motion to require
the necessary dedication for Grape Street, which can be
returned if it is determined later the street should be
vacated.

Votes are now cast on motion by Brown, seconded by Quidort
to waive the requirements subject to a lien contract, cash
or surety bond guaranteeing construction of improvements in
the future; requiring the necessary dedication for Grape
Street, which can be returned if it is determined later the
street should be vacated.

Motion carried by unanimous vote
of those present.

13. LTR-SINCLAIR By letter dated December 2, 1970,
EXT.-WEED REMOVAL Mr. John G. Sinclair requests an
extension of time for the weed
clearance on his property at 1769 and 1751 Greenfield Drive.

Manager Applegate states the notices in this area were sent
out three months ago; staff would recommend denial of any
requests for extension at this time.

Mr. John Landers, Fire Department, states the time limit
expired September 24. Presents pictures of the property in
question.

Manager Applegate states it has become necessary for the con-
tractor to work in different parts of the City due to different
due date on the notices sent, due to extensions. As soon as
the work is complete, the staff will be back with a full re-
port, including recommended ordinance changes to eliminate
some of these problems.

Motion by Brown, seconded by Quidort to deny the request.

Motion carried by unanimous vote
of those present.

14. LTR.-LEMONS GREENFIELD DR. By letter, Mr. Owen C. Lemons advises that Council granted Mrs. Bonney J. Bertelsen a waiver of improvements on Greenfield Drive (1302 Arlington) subject to the execution of a lien contract. Since this has not been executed, and since they are processing plans to improve the opposite side of Greenfield Drive, request that Council require Mrs. Bertelsen to improve her side of the street along with theirs.

Mr. Pizzato explains that due to a misunderstanding, the staff had Mrs. Bertelsen sign a covenant as transferee, which was not appropriate since the covenant would have no significant validity. A lien contract was then signed and turned in on December 11. In the meantime, property on the south side was in the process of development; in preparing improvement plans, because a change of grade was involved on Greenfield, they were required to go beyond the centerline. Mr. Lemons is requesting that Mrs. Bertelsen share in the improvement of Greenfield. The lien contract signed by Mrs. Bertelsen would normally be on the next agenda for approval. There is less frontage on the property on the north side and a storm drain is also involved.

Attorney McDougal points out that Mrs. Bertelsen made an application for waiver and this was granted; the staff had her sign a different agreement; normally the lien contract would say the City would not require the improvements before July 1, 1971.

Another problem is whether Council waived the improvements subject to the lien contract, because it was not economically feasible for the single lot to put in improvements because of the grade differential. Opinion is expressed it would be desirable to improve both sides of the street if possible.

Mr. Pizzato believes that always in the past, lien contracts have been written to the following January 1, regardless of the time of the year. If that practice had been followed, the due date on the Bertelsen lien contract would be January 1, 1971. Attorney McDougal states this procedure was changed a year ago; if the contract is signed after July the date is the following July 1; if between January 1 and June 30 the date is January 1.

Suggestion is made that this be continued one week for the staff to contact the property owner on the north side to see if they would be willing to put in the improvements. It is also suggested that if the lien contract has a date of July 1, it should be investigated what rights there are by virtue of that.

Motion by Brown, seconded by Quidort to continue this matter one week, requesting the staff to contact the property owner.

Motion carried by unanimous vote of those present.

15. LTR.-A-1 ADV. By letter dated November 28, 1970, BUS BENCHES A-1 Advertising & Sign Service advise they understand that a local franchise to maintain bus benches in El Cajon expires December 31, 1970. Ask that they be given the opportunity to submit a proposal to install bus benches.

A letter has been submitted this evening from A-1 Advertising & Sign Service, submitting a proposal for installation of bus benches.

Mr. Dick Chichester of A-1 Advertising Service, 6304 Federal Boulevard, Lemon Grove, states they have served the City of La Mesa for 17 years; his is a small organization, locally

Attorney McDougal states this does not have to go out to public bid.

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

16. LTR LDS CHURCH By letter dated December 4, 1970,
DRAINAGE J. Richard Toolson, Bishop El Cajon
4th Ward, The Church of Jesus Christ

Bishop Toolson states their building has been there approximately five years, at which time it was part of the County and built to Code. On the south boundary of their property is a wall, decorating and retaining, built to Code. A mobile home park is being developed to the south; one of the requirements was that they establish a drainage system. The storm drain terminates against their wall in a 36 inch pipe. It was indicated it is the church's responsibility to accept this water where the drain line terminates and carry it across their property at their expense. Feels they have some responsibility but it is not entirely theirs. The developer of the mobile home park has done some concentrating of water, accelerating the flow; the school district would be involved also. Have had some meetings with the developer and the school district and indicated they wanted to work out some agreeable way of equitably formulating a plan for the financial obligation in constructing a line. No one seems to want to do this and it is left up to the church.

-14-

Mr. Clayne E. Monk, 722 Taft, Bishop of El Cajon 3rd Ward, points out on a map on the board the City limits at the time the church was built. Since that time South Orange has been constructed and sewered. Dr. Werden contacted them after the drainage had been so arranged and almost completed, so did not have an opportunity to participate in any way in solving the drainage problem. Points out various drainage areas on the map, how they drained originally and the drainage now. Points out an open ditch on Dr. Werden's property which picks up the water, depositing it in a 30 inch pipe, which is graduated when it reaches their wall in a 36 inch pipe.

Mr. Monk advises a meeting was held several months ago with all concerned parties, including members of the Engineering Department, trying to solve some of the problems. The church's approach was that they should find out what kind of a system would solve this, have it reasonably agreed upon and each party pay the appropriate cost. Does not feel they are totally obligated: the City is also involved. Water from this pipe is carrying dirt and silt into their parking area and is washing under the City sidewalk. There is surface water in this area, plus water channeled in the park and underground water. While under construction the church had small conduits underneath the wall to take care of underground water. Their position is that Dr. Werden and the City have some responsibility. Does not believe a final permit should be granted for occupancy for the mobile home park until they arrive at some satisfaction.

In regard to how the City has responsibility, Mr. Monk states the City granted the conditional use permit subject to the developer solving the drainage problem, and does not believe there is a solution at this point. Comment is made that the City Engineer approved this drainage system, and this seems to be a civil matter between the two properties. Mr. Monk contends that the water is being brought to a particular point: the City improvements are also in jeopardy. There probably will be more problems if they get a real rain. It is felt that no reasons have been presented to force the City to require the mobile home park developer to do offsite improvements. Much of the problem is because the entire system is not complete, and bond issues have been turned down three times.

Mr. Pizzato states there is a lot of history and emotion involved in this matter: the first time the City was brought in to any great degree was a meeting held February 11, 1970, attended by Dr. Jones and Dr. Gilbert of the School District, Dr. Werden and Mr. Angus representing the LDS Church. It was the staff's suggestion at that time, if the parties could get together to get a drainage system down to Chase, that they request the City to construct the storm drain system in Chase from that point west to the County ditch, asking the City to pay for all or portion of the cost. The staff recommendation at that time was for City participation and that they would attempt to budget those funds. Quotes from a letter from Mr. Young to the church in Salt Lake City, attempting to point out some of the conditions, and a letter from the church's attorney that they had made an analysis and felt that they had not made any problems in constructing the block wall and had no responsibility for drainage. From that point on the situation deteriorated.

On December 3, 1970, the City sent a letter to Bishop Toolson indicating their failure to take care of the drainage was causing a problem to the City and requesting they take immediate action to correct the problem.

Mr. Pizzato continues that he would prefer not to take sides: knows that Dr. Werden is turning over backwards to solve the

problem and has handled the drainage through his property. The construction of the wall in effect built a reservoir; the water builds up in back of the wall, goes through their parking lot, through their north drive to Orange, from there to a culvert across Chase, then down to Sunshine and through someone's garage - that is why Mr. Pizzato took the action he did.

It is questioned how far from the west property of the church the 36 inch pipe comes in; Mr. Monk states about two feet the water travels along the wall and it is impossible to divert. Opinion is expressed that this is not a factor for Council to consider, because the man upstream has the right to develop his property. Mr. Pizzato states he would recommend that the City cooperate in construction of the system in Chase to get the water to the County ditch, if the property owners in this area get the water down to Chase. It was included in the original Avocado project, and the thought was to accelerate this portion. Since it appears there may be some civil action, it is questioned whether the City should plan on installing that. Mr. Pizzato states in his view some temporary provisions could be installed and does not think it is absolutely necessary for the City to build the pipe for them to solve their problem.

In regard to whether the City has any responsibility in designing the system, Mr. Pizzato states the City told Dr. Werden he had to solve the problem on his property and showed the staff what he proposed to do; they did not object to it. As far as the staff is concerned, Dr. Werden has not completed the requirement of the specific plan or of the building permit, by totally handling the drainage, either by getting the adjacent property owner to accept it, or by relieving the City of any responsibility with a Hold Harmless Agreement. Has told Dr. Werden that if he asks the City to accept the Hold Harmless Agreement he would recommend approval, on the basis he has attempted to satisfy the school and the church. The greatest majority of the water runs through the church property. Dr. Werden said he would redirect the water back to the school property. Offered to do almost anything that could be done to handle the water through his property.

It is questioned whether Dr. Werden offered to participate in getting the drainage underground to Chase; Mr. Monk states he offered to pay \$1,500. and their Engineer estimated the cost at \$20,000.

Bishop Toolson states Dr. Werden's first proposal was an open ditch across the back of the church property, but this would eliminate one row of parking, and would not solve anything. If they follow the natural drainage, would come about half way and dump the drainage on the school. It is pointed out the School has responsibility the same as other property owners. Bishop Toolson contends that from the outset it was indicated the church is responsible to take care of the water 100%, as far as the City is concerned. The church had agreed to help with the problem if the system in Chase were improved, but the problem is bigger than they are.

Mr. Pizzato believes it is only fair to point out that before they built the church they came to the City for annexation and were told the conditions of annexation. The City's position would have been that when they developed their property would have to take care of the drainage. Instead of doing that they built a dam.

Comment is made that under the City's policy the City does not participate in local drainage matters; the City will cooperate if they get the water to Chase. The parties involved will have to get together to solve the problems

through negotiation or other action. Bishop Toolson states the church had no opportunity to see what Dr. Werden planned or to review the proposals he made. It is pointed out this information is available and it is up to the adjoining property owners to look into matters like this. Since there was no differential treatment the City should take no action; they do not interfere with problems that adjacent property owners have on drainage.

Mr. Monk inquires if it is the City's position that the drainage is solved. Attorney McDougal states that after the City takes final action on a subdivision map, specific plan, parking layout, etc. they may incur some liability, but have not reached that point yet. Mr. Monk does not think it should be accepted until the problem is resolved. The church is willing to participate with a solution satisfactory to the City. Opinion is expressed it might be easier to put the pipe in the school playground if the School would be agreeable and the Church would pay the cost. This is a real problem that has to be solved. Judging from past districts, if an improvement district were formed, the church and the school would be assessed most of the total cost of the drainage. This problem can be solved by having an improvement district put in the drainage, have the property owners do it, or go to Court to see whose responsibility it is. It is not the sort of drainage the City normally participates in. Also, the people upstream from Dr. Werden, did not help pay for the system on his property.

Mr. Monk points out a proposition they had made earlier about putting the drainage underground on the school property: this was not taken to the Board but the staff indicated that would be no problem.

Motion by Cornett, seconded by Quidort to take no action on this matter at this time.

Motion carried by unanimous vote of those present.

17. LTR.STRUCTUREFORM Motion by Cornett, seconded by
MASTERS-AD. ADV. Brown to grant request for advance
 advertising on Specific Plan No.
153, as requested by Structureform Masters Inc., in letter
dated November 25, 1970; with the understanding they will
pay any readvertising costs that may become necessary.

Motion carried by unanimous vote of those present.

18. LTR. ANDERSON By letter dated November 25, 1970,
ET AL REFUND Lloyd Anderson, William T. Soldmann,
ANNEX. FEE Jr., and Robert E. Young withdraw
 their application for annexation
to the City of El Cajon and request refund of the \$150.00
annexation fees that have been paid.

Mr. Henson advises that while the City has processed the annexation does not believe the City has very much invested in this.

City Clerk advises there has been very little work done by the City Staff up to this point but it is Council policy to require these annexation fees.

Motion by Cornett, seconded by Quidort that a total refund be granted.

Motion carried by unanimous vote of those present.

19. LTR. HILLSVIEW By letter dated December 2, 1970,
TERR. REFUND the Hillsview Terrace Corporation
C.U.P. FEE has appealed a conditional use
permit and paid the filing fee of
\$40. Due to conflict of interest, have dropped the hearing
and request either a partial or total refund of the fee paid
for appeal on Conditional Use Permit No. 403.

Motion by Quidort, seconded by Cornett that this request be
denied.

Discussion.

Mr. Henson advises the City has paid for the advertising;
a public hearing and a continued public hearing were held.

Votes are now cast on motion by Quidort, seconded by Cornett
that this request be denied.

Motion carried by unanimous vote
of those present.

20. PET'N. GUSTAVO A petition dated November 30, 1970,
ANNEX. #3 signed by Noko S. Warner, requests
annexation of .50 acres at the
northwest corner of Paquita and Gustavo.

LAFCO has approved this annexation and authorized Council
to annex the territory without notice and hearing. The
required annexation fees have been paid.

Motion by Cornett, seconded by Brown to refer this matter
to the City Attorney for preparation of a resolution approving
the annexation.

Motion carried by unanimous vote
of those present.

21. INDEMNITY AGREE. By letter dated December 4, 1970,
H & H EL CAJON H & H El Cajon request waiver of
the 30-day waiting period after
the second reading of Ordinance No. 2319, approving the
amendment to Specific Plan No. 19. An indemnity agreement
for waiver of the 30-day waiting period has been executed
by the applicant.

Motion by Brown, seconded by Quidort to grant this request.

Motion carried by unanimous vote
of those present.

22. LTR. LOS MORADORES By letter dated December 9, 1970,
BLDG. PERMIT Los Moradores, 445 Eighth Avenue,
San Diego, requests Council to
authorize the Building Department to issue a building permit
prior to recording the relocation of a right of way easement
on property at 261 First Street. San Diego Gas and Electric
Company plan to relocate the easement to the north of the
present location to allow for the construction of an apart-
ment complex but will not be able to finalize the easement
relocation until after the end of December. It is essential
to the financial aspects of this project that the building
permit be issued and construction commenced this year.

By letter dated December 14, 1970, San Diego Gas and Electric
Company submit drawings showing their proposed encroachment
on City property and advise that before they can install
this line must obtain right of way from the City. Request
their Grant of Right of Way form be executed by authorized
City officials.

Manager Applegate states he has added a resolution to this item, which is for a small easement on the park property where they need to install a pole. The staff has no objection to this.

RESOLUTION 541-70

Motion by Cornett, seconded by Quidort to approve this request and to adopt Resolution No. 541-70 approving grant of easement for pole line to San Diego Gas & Electric Company. Portion of Lot 1, Block 9, "S" Tract, Rancho El Cajon.

Motion carried by unanimous vote of those present.

23. LTR. MORTENSON
VAC. PALM AVE.

By letter dated December 9, 1970, John N. Mortenson, Inc. advises they have purchased property on the southwest corner of Wile Street and Palm Avenue (Lot 30, Block 22, El Cajon Heights). Most streets in the area are 60 feet, but Palm Avenue is a proposed 100 foot right of way. Apparently this right of way was recorded before Interstate 8 Freeway cut off Palm Avenue, which resulted in a 170 foot long dead end unimproved street. Requests this right of way be reduced to the area standard of 60 feet; to vacate and return 20 feet to subject Lot 30 and relocate the 25 foot corner radius 20 feet to the north.

Mr. Pizzato states they normally would not recommend this vacation until the area is fully improved. When the freeway was constructed it cut off Palm so it is a stub street with a turn around - there is also drainage coming out into the area from a pipe under the freeway. Have not discussed this with Mr. Mortenson as he has just recently acquired the property. Perhaps should work something out on the north side to panhandle this property and vacate Palm all together. Feels the improvement question should be solved before determination is made as to what is to be done with the right of way.

Motion by Cornett, seconded by Brown to hold this matter over two weeks, so the staff can discuss this with the applicant.

Motion carried by unanimous vote of those present.

It is questioned how many properties front on Palm in the section between the Freeway and the next street. Mr. Pizzato believes there are two on the north side and only Mr. Mortenson's on the south side.

24. POOLROOM LIC.
STEIN CLUB

Motion by Brown, seconded by Quidort to approve application for a poolroom license submitted by William Joseph and Mary E. Smith for the Stein Club, 843 East Main Street, as approved by the interested departments.

Motion carried by unanimous vote of those present.

25. CONTRACT-PEPPER
VILLA ET AL
1911 PROJECT

The matter of the suspension of the contract awarded to Staley and Lawrenz, Inc. was continued from the meeting of November 30, 1970.

Manager Applegate states they have not allowed the people to hook up and may have stopped the penalties, which is the only different thing that has happened. The contractor is proceeding and should be done in two weeks. Can take this off the agenda if Council wishes. It will be put back on if necessary.

Motion by Brown, seconded by Cornett to take no action on Item 25 and remove it from the agenda.

Motion carried by unanimous vote of those present.

26. NO PARKING
MAGNOLIA

Councilman Van Zanten states he requested reconsideration of "No Parking Zone" on the west side of Magnolia Avenue, north of Washington Avenue, and asked for a report from the Engineering Department. Is concerned about parking spaces in front of business establishments.

Mr. Pizzato states Council approved the concept of approving a left turn slot in both directions at Magnolia and Washington in connection with the signal system. It would be fully implemented when Magnolia is improved under the Madison et al Improvement District. This would contemplate prohibiting parking for 250 feet north, south, east and west of the curb line on the two streets. When Mr. Loftus became aware of this last week he asked the people who were doing the painting to refrain from so doing on the west side of Magnolia, north of Washington, which they did. Believe he has five spaces in front of his store on the street and the parking prohibition would cover the southerly three spaces. Made a parking survey and would say on a weekly basis the three spaces on the street are used 11.9% of the time - the other two apparently used more often. He does have off street parking of six spaces that are convenient and would have two other spaces south of his driveway that would be outside the no parking zone. Does not appear that there should be any problem.

Comment is made that if the turn slot is 250 feet back and if he is allowed to keep four parking spaces rather than two, would be shortening the right hand turn slot by about 40 feet. The right hand turn movement would be small in comparison to the straight ahead and left turn movements. If Council is going to get into a great deal of detail on this, it should be referred back to the Traffic Committee.

Councilman Van Zanten states he received a call from Mr. Loftus, who was upset because he thought they were painting all of his curb red. He (Van Zanten) felt this put the staff in an awkward position because the ordinance has been passed and they were prepared to paint the curb red. Called and asked the staff to hold off on painting the curb until this could be back on the agenda so it could be resolved.

Mr. Pizzato points out on the map the store, the six off-street parking spaces, the curb, the red curb which extends almost to the northerly end of the building, and the two parking spaces north of that. The northerly most loop is opposite the driveway into the service station, and extends just a little into the frontage of Mr. Loftus' property. If a vehicle were parked over that area would have a continuous call on the signal. Are attempting to provide for a fairly smooth flow of traffic and when one drives they will notice that the move is fairly abrupt and have to move out fairly rapidly. Feels the turn lanes are at about a minimum and to make them shorter could defeat the purpose.

Councilman Van Zanten states the staff observed this for four days and could see no more than two cars at any one time parked there. This was checked every two hours. Checked himself on Friday, Saturday and Sunday - points out where he parked, where an employee parks permanently and where people parked to go in the store. As a result of these observations feels three spaces would be adequate and Mr. Loftus agreed with this.

Mr. Pizzato again points out the most northerly end of the loop and states the point is that the City could not allow all the parking spaces without the possibility of a car sitting on the loop. The other question is to provide for smooth transition for cars to move out to the right and not be impeded by a car being parked there.

One opinion is that shortening this by 20 feet would not make much difference. Mr. Pizzato states he could not recommend eliminating two spaces instead of three - could try it but feels there is already the desirable minimum there.

Comment is made that Council has handled intersections on an individual basis previously - at Mollison and Washington decided to have parking but no turn slot until traffic increased sufficiently to require it.

Statement is made that this could be tried and if it does not work out could paint it later. Another comment is that Mr. Loftus contended this parking created an advantage for the business drop in and this is not a corner site problem at all - the problem across the street is worse than this.

Mr. Pizzato advises if Council instructs them not to red curb that one space, that would take care of it.

Motion by Quidort, seconded by Brown that the staff be instructed not to red curb one space at the northwest corner of Magnolia and Washington.

Discussion.

Persons in the audience are advised they cannot speak because there is a motion on the floor. Comment is made that this is the most Council can do on this problem at this time.

Votes are now cast on motion by Quidort, seconded by Brown that the staff be instructed not to red curb one space at the northwest corner of Magnolia and Washington.

Motion carried by unanimous vote of those present.

27. LTR. OPP By letter dated November 17, 1970,
ALLEY VAC. Mr. and Mrs. Gordon H. Opp requested
vacation of an alley dedicated ten
years ago on property on the north side of Washington Avenue,
east of Anza Street.

This request was discussed by Council at the meeting of November 23, 1970 and referred to the Staff to contact Mr. Opp in regard to the matter of street frontage for certain of the parcels if the alley is vacated.

Mr. Henson states there are seven parcels in the property involved and it is rather complicated - apparently two parcels are under one Assessor's Number but there is a lot in between them, which is most irregular. The map Council has shows the dedications along the northerly boundary. Has discussed this with Mr. Opp and informed him a reverse lot split would insure frontage for each of the lots and would make it possible to consider his request for vacation of the alley. Does not believe he has picked up a lot split application - this was merely a telephone contact with Mr. Opp.

Comment is made that the alley construction was omitted from the improvement district so this now is merely a paper alley - can keep the alley dedication until it can be shown how these lots can be served by a public street.

Motion by Brown, seconded by Cornett to deny this request and to inform the applicant by letter that it is being denied until reverse lot splits are accomplished to guarantee street frontage.

Motion carried by unanimous vote of those present.

Recess called at this time; meeting called to order by Mayor Pro Tempore Van Zanten at 10:45 o'clock p.m.

28. BUS.LIC. The City Attorney has submitted
ORD. FEES proposed changes in regard to
Chapter 16 of the Business License Ordinance in regard to fees, etc. This matter was discussed at the meeting of November 30, 1970, and referred to the City Manager for recommendations on increasing the fees.

By letter dated December 14, 1970, the City Manager recommends the basic business license fee be increased from \$10. to \$15. per year and the employee fee increased from \$1. to \$2. per year; that the trailer park employee fee be deleted and replaced with a per space fee of \$1.50 per year; and that the Christmas Lighting District fee remain at \$10. per business and \$1. per employee.

Attorney McDougal states some major changes had to be made in the fee structure so felt Council should consider whether they wish to change other fees in comparison with what other cities are charging.

Requests Council to correct Section 16-56 of the proposed ordinance to read \$2. per employee so as to be consistent; 16-58 should have been \$12. instead of \$12.50; and Section 15-57 should have included "Special Class B" License \$300. per year". The present ordinance states if people apply for a Special Class "B" License and Council waives the requirement of a patrol officer the fee is doubled and would like this to remain in effect. Has attempted to take out of Chapter 16 all the sections that pertain to method of application for a license, etc. and just leave in the actual license fees and the requirement for a license. Took out the material about different subjects, such as massage parlors, closing out sales and put them in Chapter 9. Created Chapter 16A which deals with the method of appealing the denial of a business license - if a license is denied it provides a method for appeal to Council to decide the matter. Chapter 16B is the composite application procedure for unusual businesses, such as cabarets, massage parlors private patrol services, taxicabs, etc. that require a special application. Have combined these so will have a uniform method of applying for that type of business. Chapter 16C now has all the procedures for issuing work permits and put them in this one chapter. These apply to taxicab operators, private patrol services, etc. Have done this for uniformity.

As far as substantive changes, other than changes in amounts of fees, there are very few except the way vehicles were **taxed**, which both the Suoreme Court of United States and California Supreme Court did not agree with, and also the taxicabs, which have been changed by necessity. Any occupations or businesses that are not specifically dealt with pay the basic rate, but if they do not have a fixed location in El Cajon they pay double the basic rate. Can defend this and also the procedure for people who operate mostly outside the City, such as taxicabs, where they pay a percentage rate. The fees for mobile home parks have been recommended to be changed from \$10. for license, plus \$1. per employee to \$10. for the license, plus \$1.50 per year for each space in the park.

Are still low compared to other cities on most of these recommendations. Neglected to incorporate the pro-ration requested by Council, which was to the effect that if a license were purchased in the last quarter of the year, could pay an extra \$5. and get a license for that year and the next year.

Replying to questions, Attorney McDougal advises this can be done by urgency ordinance but do not have to. Can refrain from sending out the usual mailer or send it out with a notation that Council is considering changing the fees and wait until the ordinance is final. In the meantime can accept any money received on the old basis.

One opinion is that if the new fees are to apply to the coming year will have to adopt this so it is effective by January 1, 1971, or put it off for another year.

City Clerk advises Council that she has not received any fees as yet but has received a number of calls and have had to put them off until after this meeting. If this were adopted would save sending out additional notices to everyone.

Opinion is expressed that the fee recommendations can be accepted by Council. Are no higher than other cities and are less than most of them, and this increase will make that department self supporting.

Manager Applegate states this increase in fees will more than pay its own way.

Manager Applegate, replying to questions regarding mobile homes, states the Trailer Coach license fees are divided 1/3, 1/3 and 1/3. A study was made of the amount received and even with the addition of \$1.50 per space per year, a trailer is still the best bargain as a place to live. They are still treated like an automobile and the license rate goes down to a fixed fee after so many years.

Attorney McDougal states persons that do not have a fixed place of business within the City would pay double the basic fee. There is no change in the ordinance that would allow people to use an out of town address when they are actually operating from inside the city in an improper zone - the burden of discovering that type of thing has always been upon the City. A soft water firm would pay the double fee and then if they have a question as to the number of employees or the amount of business they do in the City and want it apportioned, can come in and ask for a rebate. They would pay the double fee for just one truck and one employee, if that is all that comes into the City.

Motion by Brown that this item come back on the Agenda on December 21 as an urgency ordinance, to be adopted as presented with the addition of one additional section which will provide for anyone purchasing a license in the last quarter of the year that they may pay for the following year as well for a 50% increase.

Motion seconded later.

Councilman Brown states the motion means they can receive it for a full year, plus the balance of the current year, by paying 50% more. The following year would have to be taken out at the same time.

Attorney McDougal understands this to mean a person would save 50% by paying three months early.

Councilman Cornett seconds the motion.

Votes are now cast on motion by Brown, seconded by Cornett that this item come back on the agenda of December 21, as an urgency ordinance to be presented as adopted with the addition of one additional section which will **provide** for anyone purchasing a license in the last quarter of the year that they may pay for the following year as well for a 50% increase.

Motion carried by unanimous vote of those present.

Attorney McDougal advises Council this does not require a public hearing.

29. BUS. LIC. ORD. City Attorney has prepared proposed
CHAPTER 16A revisions in regard to license and
SUSP. & REVOCA. permit suspension and revocation.

Motion by Brown, seconded by Cornett that Item 29 be returned to the agenda to be voted on next week.

Motion carried by unanimous vote of those present.

30. BUS. LIC. ORD. City Attorney has prepared proposed
CHAPTER 16B revisions in regard to application
APP. PROCEDURE procedure for certain businesses.

Motion by Brown, seconded by Cornett that Item 30 be returned to the agenda to be voted on next week.

Motion carried by unanimous vote of those present.

31. BUS. LIC. ORD. City Attorney has prepared proposed
CHAPTER 16C revisions in regard to work permit
WORK PERMITS applications, closing out sales,
massage parlors, merchandise coupon
sales and advertising, pawnbrokers and second hand stores.

City Clerk advises at the present time she receives only applications for private patrol work permits. Feels these should all be issued by the Chief of Police as there is no reason for her office to take the application, wait for a letter from the Chief of Police approving this and then send the application back for that department to issue. Would have no knowledge of whether a permit should be issued to a person working in a cabaret. Would only be triple paper work.

Attorney McDougal states the reason for having it done this way is from a public relations standpoint some disadvantage in saying the application must be made to the police. Also the Clerk works for the Council and the Chief of Police works for the City Manager, so does Council want the Chief of Police to have sole control over these.

It is suggested people should apply at the City Clerk's office and then take the paper work over to the Police Department.

Attorney McDougal states there is a requirement that when people apply for a license if they have to have work permits, have to apply for them at the same time. Could apply at the Clerk's, send the paperwork to the Police and let the Manager make the final decision. It is not only the Police that need to get into these sometimes - are times when other department heads should get into them.

Opinion is expressed it would be best to make application at the Clerk's office, even if it is just a matter of her then transferring it to the Police. Another suggestion is to have application made at the Clerk's office, send it to the

City Manager and have him decide if it is necessary to go to the Police. Statement is made that a firm procedure should be established for this type of application - would prefer to see them all made at the City Clerk's office and then forwarded to the appropriate person, which would probably be the Chief of Police.

Attorney McDougal feels if that is what Council wishes, on 16C-4, could change the wording to state "If said application is approved by the Chief of Police, he shall issue a work permit", if Council wants him to make that determination. They would still be applied for at the Clerk's office and then referred to the Police Department.

Opinion is expressed there would be no reason for this to come back to the Clerk's office. The Police Department could send out the permit after the application is approved.

Attorney McDougal states there is the question of, in the case of denial, who does Council want to be appealed, the Clerk or the Chief.

Opinion is expressed that the mechanics of this are not so important but from the standpoint of public relations the applications should be made to the City Clerk. Agreement is expressed with that statement, as business licenses are issued there and a work permit is a business license.

Decision is made to let the City Manager determine who shall issue the permit and the other mechanics involved.

Motion by Frown, seconded by Cornett that Item 31 be returned to the agenda to be voted on next week.

Motion carried by unanimous vote of those present.

32. MEMO OF UNDER-
STANDING

By letter dated December 9, 1970, Assistant City Manager advises as a result of the June 10, 1970,

Memorandum of Understanding entered into with the El Cajon Municipal Employees Association, Council agreed to review the salaries for the positions of Assistant Civil Engineer and Custodian prior to January 1, 1971. Attaches an Addendum to that memorandum as agreed upon December 8, 1970, concerning the positions open to review. Assistant Civil Engineer to be granted a 5% increase but no increase to be granted to custodian.

Motion by Cornett, seconded by Brown to approve Item 32 and refer to the City Attorney for preparation of the necessary resolution.

Motion carried by unanimous vote of those present.

33. S.P. 101 -
GLAVAS

At the meeting of November 16, 1970, the Council considered a letter from the Traffic Committee concerning a

feasibility study for access to the shopping center at the northeast corner of Fanita and Navajo Road. Among other decisions, requested that this be routed through the Planning Commission for determination as to whether this is a minor or major change in Specific Plan No. 101.

By letter dated December 9, 1970, the Planning Commission advise they have determined that the proposal to allow two-way left turn lanes to serve the shopping center but not the service station, and relocation of driveways and parking spaces would be a minor change to Specific Plan No. 101.

Mr. Pizzato states Council set up certain criteria for the configuration and length of the turning slot and stated it wanted to approve the plans before they were built. Planning Commission has determined that these changes will not require a public hearing. Talked to the attorney representing Mrs. Glavas and advised him what the procedure was unless something different was done tonight and that probably Council would accept the Planning Commission report. Nothing further will happen until he brings the plans back for approval.

Motion by Brown, seconded by Quidort that this item be filed.

Motion carried by unanimous vote of those present.

34. LTR. S.D. TRAN- At the meeting of November 23, 1970,
SIT CORPORATION Council considered a letter from
the San Diego Transit Corporation
dated November 13, 1970, giving notice that unless a contractual agreement between the City and the Transit Corporation can be consummated by December 15, 1970, the services presently being provided will cease to operate at the end of the last run on December 31, 1970. Was referred to the staff for preparation of some alternate proposals.

Mayor Pro Tempore Van Zanten advises Manager Applegate would like this held over one week. He has suggested to Manager Applegate, and has two young men that would like to do the survey of the transit system in El Cajon, which they would do on Wednesday, if Council concurs. Would ride every bus, have had a conference with the Staff and the manager of the bus company: would tally all riders and since this would be in the middle of the week, there would be no bias. Would be paid a minimum amount.

Manager Applegate states that statistically this would be 100 percent accurate for that day: Wednesday should be an average weekday.

Comment is made that this would be during the Christmas shopping season but would give Council some base information that it does not have now.

Mayor Pro Tempore Van Zanten states these boys would board the buses at the east end of the city and ride all buses to the west end. Pick up the bus back at the west end, find out who is on it, where they came from, frequency of bus travel, destination etc. Will write up a report with their conclusions but not necessarily recommendations. Passes will be issued to them to ride all buses.

Motion by Brown, seconded by Cornett to continue Item 34 for one week.

Motion carried by unanimous vote of those present.

35. SPECS. STREET Specifications have been submitted
NAME SIGNS for street name signs as discussed
by Council at the meeting of July 27,
1970. Bids are to be opened January 11, 1971.

Motion by Cornett, seconded by Brown that the specifications be approved.

Motion carried by unanimous vote of those present.

Mr. Pizzato advises the sketches in the specs show the types of letters that will be used - are bidding about six different

alternates - knows pretty well which are the cheapest - will have different price ranges based on the materials involved.

Comment is made that this will be a complicated bid and the City will pay more for this because of the complex bid. Mr. Pizzato states if Council wishes to restrict this to one type of sign will eliminate all the others. Have had a great deal of difficulty in working with the vendors to provide Council a real cross section of different materials. Will get bids from at least two vendors in certain areas - one of these signs is made by only one vendor and he tried very hard to sell them on that as an exclusive item, which happens to be the most expensive.

36. MASTER PLAN By letter dated December 9, 1970,
STREETS the Director of Public Works has
submitted a Master Plan of Streets
Review relative to circulation element of General Plan for
purpose of updating the "Thoroughfare System Master Plan".

Mayor Pro Tempore Van Zanten states it has been suggested this be held for a special meeting due to the complexity of the problems.

Motion by Quidort, seconded by Cornett to hold a special meeting on this item on January 14, 1971.

Discussion.

Question is raised if there will be a map available of what the Engineering Department proposes to be the adopted plan - the one adopted in 1961 still shows Magnolia bending over to connect with Avocado, which will not happen.

Manager Applegate suggests that if Council is going to have a special meeting, should go through this and answer some of the questions that have been raised, then let the staff come back on a regular meeting with a map of what the general consensus is rather than try to recommend and second guess Council now, because each member has certain positive ideas in certain areas.

Votes are now cast on motion by Quidort, seconded by Cornett to hold a special meeting on this on January 14, 1971.

Motion carried by unanimous vote
of those present.

37. RESOLUTION 542-70 Motion by Cornett, seconded by
Quidort to adopt Resolution No.
542-70, award of contract in the matter of the Decker-
Lexington 1911 Act Improvement District.

Motion carried by unanimous vote
of those present.

38. RESOLUTION 543-70 Motion by Cornett, seconded by
Quidort to adopt Resolution No.
543-70, approving contract for improvements of Diamond
Crest Park Subdivision.

Motion carried by unanimous vote
of those present.

39. RESOLUTION 544-70 Motion by Cornett, seconded by
Quidort to adopt Resolution No.
544-70, approving the annexation to the City of El Cajon
of Jamacha No. 3 Annexation.

Motion carried by unanimous vote
of those present.

40. RESOLUTION 545-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 545-70, approving the annexation to the City of El Cajon of Granite Hills No. 4 Annexation.
Motion carried by unanimous vote of those present.

41. RESOLUTION 546-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 546-70, approving Tentative Subdivision Map No. 175, and fixing improvements to be required therein. Granite Hills Manor Subdivision.
Motion carried by unanimous vote of those present.

42. RESOLUTION 547-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 547-70, a resolution finding compliance with Notice to Construct sidewalk improvements on portion of Cuyamaca in accordance with Section 5870, et seq. of the Streets & Highways Code of the State of California, Improvement Act of 1911.
Motion carried by unanimous vote of those present.

43. RESOLUTION 548-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 548-70, approving Hold Harmless Agreement between City of El Cajon and Del Sur Kennel Club, Inc. for use of facilities of Wells Park.
Motion carried by unanimous vote of those present.

44. RESOLUTION 549-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 549-70, approving agreement with Browning Sprinkler Company relating to use of driveway.
Motion carried by unanimous vote of those present.

45. RESOLUTION 550-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 550-70, approving contract for improvements (Cash or Surety Bond). Split Lot Application No. 569 (Hanke).
Motion carried by unanimous vote of those present.

46. RESOLUTION 551-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 551-70, accepting grant of interest in real property by City of El Cajon for public street purposes. (Hanke)
Motion carried by unanimous vote of those present.

47. RESOLUTION 552-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 552-70, accepting grant of interest in real property by City of El Cajon for public street purposes. (Easterly and Carlisle).
Motion carried by unanimous vote of those present.

48. RESOLUTION 553-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 553-70, accepting grant of interest in real property by City of El Cajon for public street purposes. (Helf Investment Co., Inc.).

Motion carried by unanimous vote of those present.

49. RESOLUTION 554-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 554-70, accepting grant of interest in real property by City of El Cajon for public street purposes. (Ostrowski).

Motion carried by unanimous vote of those present.

50. RESOLUTION 555-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 555-70, approving contract for improvements. (Ostrowski).

Motion carried by unanimous vote of those present.

51. RESOLUTION 556-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 556-70, approving contract for improvements. (Talbot).

Motion carried by unanimous vote of those present.

51A. RESOLUTION 557-70 Motion by Cornett, seconded by Quidort to adopt Resolution No. 557-70, releasing covenant. (Winn).

Motion carried by unanimous vote of those present.

52. AMEND CODE PALMISTRY An ordinance amending code sections relating to palmistry is discussed under Item 57A.

53. AMEND CODE TAXICABS Held over in earlier action.

54. WARRANTS Motion by Quidort, seconded by Brown to approve Commercial Warrants No. 27,787 through No. 27,880 in the amount of \$339,410.68, and Payroll Warrants No. 14,529 through No. 14,887 in the amount of \$121,347.14.

Motion carried by unanimous vote of those present.

55. DIAMOND CREST PARK SUB. FINAL MAP Motion by Cornett, seconded by Quidort to approve final map of Diamond Crest Park Subdivision.

Motion carried by unanimous vote of those present.

56. REPORTS OF COUNCILMEN Councilman Brown states he attended a meeting called by Congressman Van Deerlin in response to the Railroad Pack bill that is going through Congress. It has been announced that a plan of rail lines which would become probably the only passenger rail line in the nation and would be under a quasi-public corporation called "Rail Pack". Shows a number of routes to the east but only three coming to the west - Chicago to Seattle, Chicago to Los Angeles and Chicago to San

Francisco and no connecting west coast link of any kind. The meeting was called to get interest in opposing this and objections must be filed by the 29th of December; there will be 30 days for review of those objections and it goes into effect at the end of that time. It was the general consensus that a strong objection should be registered to not having a route connecting Los Angeles and San Diego which is a corridor that now has about 40 million passenger trips per year. It is a matter of strategy because rail travel will never solve the problem but should register a strong indication of the need of that corridor and ask that it be included in Rail Pack. Recommends that Council adopt a resolution, which is being generated now at CPC, that will stress primarily the need and importance of the corridor because it does have more trips than some corridors that are included.

Motion by Brown, seconded by Cornett that Council adopt a resolution indicating the need for ground transportation in this corridor and ask for its inclusion in Rail Pack.

Motion withdrawn later.

It is asked if this should be on for next week. Councilman Brown feels it will be necessary for Council to agree to adopt it now and have the wording next week. Copies should go as soon as possible to ICC, a copy to the State PUC and another copy to Secretary Volpe through Congressman Van Deerlin's office. Has been asked that all cities and chambers of commerce and others adopt such a resolution. CPO staff is working on a resolution which will set forth the statistics. Will bring a copy of that resolution to the meeting on December 17. There is no need for a vote now as Council should see the resolution.

Councilmen Brown and Cornett withdraw the motion.

57. ORAL COMMUNICATIONS Mrs. Betty Cantoni, 520 South Magnolia, regarding the enforcement of the weed removal and unsafe building ordinances, feels there should be some way a buyer would be aware of a lien on the property. Perhaps a mechanics lien could be filed - there should be something so when a preliminary title report is issued would know about these matters. If the City removes a building and the owner does not pay the costs, a new purchaser would have no knowledge of this and would have to go to court to recover on this. Could be serious and would like to see the mechanic's lien filed upon completion of the work.

Believes when the work has been done and the charges assessed, a property owner should be given a reasonable length of time to pay in cash before it becomes a lien.

Attorney McDougal understands this is a case where an owner was given notice, the City did the work and then the property was sold before the actual assessment roll was sent down, so the lien did not show. It is a difficult problem to prevent unscrupulous property owners from selling property without telling people that this charge has probably been incurred. To prevent that there would be a tremendous amount of work that would have to be done - would have to secure legal descriptions, as the Assessor's Parcel Number could not be used, to get it in the chain of title. Then when the charges were paid, and most of them are, would have to get it out of the chain of title. After it has been put on the tax roll and something is recorded that does not always work to get it out of the chain of title. Does not understand exactly how the County Recorder and County Assessor do these things.

Mrs. Cantoni states if they were only speaking of weeds and trash would not be so serious, but removal of unsafe buildings could amount to \$1,000.

Attorney McDougal will check and see if there is some feasible way to do this.

Mrs. Cantoni is very unhappy with the disking that was done on a three acre parcel - was done when it was very wet and if this procedure is followed during the winter months will leave holes 12 inches deep and it will never again be possible to take care of weed removal by using hand tools. Mowing or dozing is a much more satisfactory method.

JOINT MEETING Councilman Brown states the Attorney
WITH PLAN. COMM. would like to have a joint meeting
 with the Council and Planning Com-
mission to discuss a variety of legal cases, and would like
to have a date set for that meeting. It is decided to discuss
this at a Thursday luncheon.

P.U.C. HEARING It is felt El Cajon should be
 represented at the P.U.C. hearing
regarding the surcharge on the San Diego bills from the
San Diego Gas & Electric Company. If San Diego is going to
get a 3% franchise fee other than by surcharge, then that
becomes a cost to San Diego Gas & Electric and will increase
El Cajon's rate, since the company has a guaranteed rate of
return.

Motion by Brown, seconded by Cornett that the City be represented
at the PUC Hearing by the Mayor or Mayor Pro Tempore.

Motion carried by unanimous vote
of those present.

57A. EXECUTIVE SESSION Motion by Quidort, seconded by
 Brown to adjourn to an Executive
Session to discuss pending litigation before Item 52 is
adopted.

Motion carried by unanimous vote
of those present.

Council adjourned to an Executive Session at 11:50 o'clock p.m.
Meeting called back to order by Mayor Pro Tempore Van Zanten
at 12:10 o'clock a.m.

52. ORDINANCE 2321 City Attorney reads in full an
 urgency ordinance amending Section
18-13 of Chapter 18 of the Code of the City of El Cajon to
proscribe the carrying on of fortune telling and related
occupations as entertainment or otherwise.

Motion by Brown, seconded by Van Zanten to adopt Ordinance No.
2321, an urgency ordinance amending Section 18-13 of Chapter
18 of the Code of the City of El Cajon to proscribe the carrying
on of fortune telling and related occupations as entertainment
or otherwise.

Motion carried by unanimous vote
of those present.

ORDER OF ADJOURNMENT Motion by Cornett, seconded by
 Quidort that the adjourned regular
meeting of the City Council of the City of El Cajon, California,
held this 14th day of December, 1970, is adjourned at 12:12
o'clock a.m., December 15, 1970, to Thursday, December 17, 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
of those present.

Fredrick P. Hensley
City Clerk