

CITY OF EL CAJON
EL CAJON, CALIFORNIA
MAY 9, 1972

An adjourned regular meeting of the City Council of the City of El Cajon, California, held Tuesday, May 9, 1972, was called to order by Mayor James Snapp at 7:30 o'clock p.m. in the Council Chambers of the City Hall, 150 East Lexington Avenue, El Cajon, California. This meeting was adjourned from the regular meeting held May 2, 1972, by order of the City Council.

R O L L C A L L

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

PLEDGE OF ALLEGIANCE TO FLAG.

The invocation is offered by the Reverend Ted Cleveland, Pastor,
Seventh Day Adventist Church.

MINUTES Motion by Quidort, seconded by Brown
to approve the minutes of the April 25,
1972, meeting.

Motion carried by unanimous vote
of those present.

Motion by Van Zanten, seconded by Brown to approve the minutes of the May 2, 1972, meeting.

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

Motion carried.

Councilman Quidort abstained because he was absent from this meeting.

ITEMS ADDED Motion by Van Zanten, seconded by Quidort
to add the following items to the agenda:

31A - Discussion of the meeting with the Board of Supervisors on May 11 regarding SB 325 tax, and

31B - CPO Funding, as requested by Councilman Brown.

Motion carried by unanimous vote
of those present.

CONSENT ITEMS Motion by Quidort, seconded by Brown to
 approve the action listed on the agenda
for the following consent items:

1. LTR. BANDES-TRAFF. Refer to Traffic Committee letter dated May 1, 1972, from Mrs. Jeanne Bandes recommending a no parking zone be established on Aldwych, due to the congestion caused by the recently constructed building at the corner of Tyrone and Aldwych.

2. LTRS. DAHL & MANN Refer to City Attorney to set to public
VACATION-DRAINAGE hearing letters dated May 4, 1972, from
 Arnold Dahl and Trottier & Mann, Inc.
requesting vacation of drainage easement at the southeast corner of
Johnson and Vernon.

Motion carried by unanimous vote
of those present.

3. HEARING-ADOPTION Time has come for public hearing on ;
UNIF. PLBG. CODE adoption by reference of Uniform Plumbing
 code, 1970 Edition, as amended.

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.

Councilman Brown asks if this Code is adopted, if a plumber can do
anything in El Cajon that he can do in other cities and the County;
in other words, how uniform is the Code?

Mr. Lloyd Kaster, Acting Assistant Director of Building, advises the
same code may be used in La Mesa, Chula Vista, National City (and
other cities except San Diego). In the City and County of San Diego
there is a little bit of difference. Representatives of all the
cities and the county met and decided to adopt identical codes and
amendments, however, the City and County of San Diego later decided
to make slight changes in an item or two. FHA has a few more strin-
gent requirements in addition to the Uniform Plumbing Code.

Councilman Van Zanten understands that in San Bernardino County, if
a house is vacant for six months or more, it must be inspected by a
licensed plumber to certify it is up to Code, and inquires if El
Cajon has similar regulations. Mr. Kaster replies under the Housing
Code if a house is vacant a year they inspect to see that there has
not been vandalism that would make the electrical or gas hazardous,
and pull both meters. To his knowledge there is no requirement like
that in El Cajon in regard to plumbing.

Mr. Kaster continues that the differences are very minor, apply
mostly to venting and priming of traps; explains briefly some of
the differences.

Councilman Brown wonders if there is any urgency in adopting this
or some requirement to adopt this "uniform" code at this time. He
would like to send it "back to the drawing board" so there could
truly be a uniform code for the entire county; thinks they should
be able to resolve that.

Mayor Snapp suggests adopting the Code, and have the concerned
parties work on the differences rather than argue the total code
again.

Mr. Kaster again advises that everyone in the San Diego Chapter
voted to adopt the same Code; then the City and County of San Diego
backed up; the other twelve cities have the same code.

Action adopting the Uniform Plumbing Code is taken under Item 28.

4. HEARING-ADOPTING Time has come for public hearing on
UNIF. ELEC. CODE adoption by reference of The National
 Electrical Code, 1971 Edition, as amended.

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.

Mr. Kaster advises the status of this Code is the same as that of the Plumbing Code.

Action adopting the Uniform Electrical Code is taken under Item 29.

5. LTR. MC CABE ENG. By letter dated April 26, 1972, McCabe
VACATION-OLD BROADWAY Engineering, Inc. request vacation of
property lying northerly of and adjacent
to Fletcher Parkway (Broadway), approximately 800 feet easterly of
Sharon Way.

Councilman Van Zanten asks for an explanation why there are jogs in the right of way line for Fletcher Parkway. Manager Applegate advises the new right of way line for Fletcher Parkway is irregular in this area; evidently the County bought out various parcels.

Mr. Pizzato advises the old right of way curved in this area; the request is apparently for vacation of the old right of way outside of the new right of way. There are some problems, for example, the new right of way has some varying widths, probably due to slope rights that may change as the area develops. Furthermore, there is some question about whether or not the property abutting the portion requesting to be vacated has access to Fletcher Parkway or any other street. In addition, there is a drainage easement in the area. Suggests this matter be referred to the Planning and Engineering staff for study for the entire area from Hacienda to Cuyamaca. This might involve comments to wait until the abutting land develops or until Fletcher Parkway is fully improved.

Mayor Snapp believes at this point there is a valley coming in, with drainage below the level of this; asks how the runoff underneath is disposed of. Mr. Pizzato advises there is a pipe across the road; would need to reserve a drainage easement; also one coming from the street above. In his view this should be worked out over the entire area rather than to hold piecemeal hearings.

Councilman Van Zanten states a study of the entire area would satisfy his questions, because they might need part of the right of way which is cross-hatched.

Motion by Quidort, seconded by Brown to refer this matter to the Engineering and Planning Departments for recommendation.

Second withdrawn later.

Mr. Gary McCabe requests to speak to Council; Councilman Brown withdraws his second to the motion.

Mr. Gary McCabe, 607 Aldwych, states there is no immediate rush on the request, however, they do propose to develop on the adjacent property. Realizes there is a pipe under there and will be a requirement for the easement; the development they propose will not develop any fill or blocking of the water course. The cross-hatched section on the map is right of way originally dedicated on one of the early maps; the jogs came about through the right of way taken with the alignment of Fletcher Parkway as it exists now. There is approximately $\frac{1}{2}$ acre that was dedicated by the property owner, and in connection with their development would like to get it back on the tax rolls. Has not yet discussed this with Mr. Pizzato, but will be glad to do so.

Motion by Quidort, seconded by Brown to refer this matter to the Engineering and Planning Departments to work this out and come back with a recommendation.

Motion carried by unanimous vote
of those present.

6. LTR. E.C. CHAMBER OF COMM.-FESLER STREET By letter dated April 28, 1972, the Board of Directors of the El Cajon Chamber of Commerce, Inc. suggest that serious consideration be given to extending Fesler Street westerly by bridging Forester Creek and connecting Fesler with Marshall.

Councilman Brown asks whether this is shown on the circulation element of the General Plan or on the circulation element Council adopted a few months ago; Mr. Henson advises it does not show. Councilman Brown thinks the cost for such a structure, under present circumstances, would be way out of line for any benefit that could be derived.

Mr. Pizzato estimates the cost of the structure alone at \$35,000 to \$40,000. Mr. Henson states the City does not have the right of way between the ditch and Marshall; this is shown on Specific Plan No. 121 which indicates setbacks for various streets in the industrial area and it is indicated that Fesler would go through. The Industrial Development Commission has completed its work on the whole series of streets in the industrial area and they came up with a similar recommendation for Fesler Street, that it be extended across Forester Creek.

Mayor Snapp comments he recalls the implication was, when a study was made of Fesler Street about two years ago, that it would depend upon what occurred on the other side of the street; if it were valuable enough to the City to warrant the City's cost of \$40,000, that Council would consider it.

Manager Applegate states during the study period, the people owning property on Fesler, between Johnson and the ditch, stated they did not want the street and wanted the cul-de-sac in. After discussion it was generally felt that the street should remain because it was not known what would occur on Marshall where there is still quite a bit of vacant property. Believes a comment was made that depending upon the development, it was large enough for a large plant and there would be no need to bring Fesler through. Regarding the question whether that circulation is absolutely necessary, he would question to whom is it necessary.

Councilman Brown thinks at the time the property easterly of Marshall and northerly of Fletcher Parkway develops would be the appropriate time to make that determination; it could be that constructing the street through would just foul up the development of that property.

Mayor Snapp agrees, but questions whether someone would be left out on a limb by not taking some positive action. Manager Applegate states there is a specific plan and all the plans show the street - Marshall is built with an asphalt curb so that when a developer wants to develop the property he would have to convince Council the street is not needed or they will put the street in. Another question is whether the City would like to change the grade and build a bridge. Thinks when the property is proposed for development is the time for Council to make those decisions.

Motion by Brown, seconded by Quidort to find that the appropriate time to make a determination on whether Fesler Street should cross Forester Creek and extend to Marshall is at the time of a proposed development of the property between the ditch and Marshall, and file the letter.

Motion carried by unanimous vote
of those present.

7. LTR. L.W. JACKSON By letter dated April 29, 1972, La Verne
PURCH. CITY PROP. W. Jackson, requests that the City sell
back a portion of the property recently
purchased from Mr. W. H. Jackson on Cypress Street.

Councilman Brown advises this parcel was acquired in connection with the proposed development of the Super Block and was acquired so that the westerly property line of this parcel lines up with the westerly line of the vacant parcel that the City owns across the street used as a municipal parking lot. Thinks it would be inappropriate at this time, until plans are developed, to dispose of this parcel.

Motion by Quidort, seconded by Brown that a letter be written to Mr. Jackson advising him the City is not ready to dispose of any land at this time.

Motion carried by unanimous vote
of those present.

8. LTR. MC INTYRE By letter dated April 24, 1972, Mr. and
1076 FINCH STREET Mrs. George L. McIntyre protest the
recent development taking place on the
hillside north of Fletcher Parkway and west of Cuyamaca Street.

Mayor Snapp states this is redundant of the complaint and investigation at 1042 Finch Street on last week's agenda. The property was viewed by members of the staff and Council, the development is in progress, it is not the way it will ultimately be developed and the developer has filed maps indicating the ultimate solutions of the problems - does not know what more can be done.

Councilman Quidort inquires who will clean out the ditch. Mr. Pizzato advises the concrete ditch will be maintained by the City. The dirt ditch at the nord end, which is considered temporary although the City has an easement, can be filled by the property owner. Has suggested to the property owner at the last meeting that he contact other property owners and that they request the City to vacate the easement and get together to fill in the ditch. The cement ditch does not go into the dirt ditch; it is located one lot north of Heron and goes into a storm drain, then east to Cuyamaca.

Councilman Brown refers to statement in letter, "The recent findings now show that the development is sub-standard in its early stages. Soil reports are negative in that the recent movement of dirt could create a disaster if allowed to continue." Questions if there is any basis for that statement. Mr. Pizzato does not understand what the property owners are referring to; the material in that area is not the best from an expansive characteristic and from the standpoint of growing lawns, etc., other than that knows of no problems. The material is native within the development; most soil engineers claim the soil is more stable if it is disturbed, mixed and recompact as this has been done. The standard procedure is to have testing equipment from the soil laboratory out during the entire operation and an inspector from the soil lab taking tests as the fill and compaction operation takes place so that they can certify, after it is completed, that it is suitable for building sites. They then advise what the footings are to be designed for, etc.

In reply to question from Mayor Snapp, Mr. Henson advises requirements have been made to plant the slopes. Mayor Snapp understands the property owner's concern; just wants to clarify for the record that there will be landscaping on the slope.

Councilman Quidort thinks the people are rightfully concerned. About 4 or 5 years ago the property owners experienced the embankment falling away on the east side of Finch down to the next street of the property below. That was not as steep as the property above is now. The property was planted with ice plant. Mr. Pizzato believes the

large leaf ice plant is not the best for slope protection especially in an area where the water does not percolate on through, the surface becomes heavily laden and wet and the ice plant becomes very heavy with a tendency to pull away root and all, with a layer of earth with it. Thinks it would be wise to use some other type of slope protection.

Councilman Quidort states he owned property in that area and followed the engineer's recommendation by putting in dead men. Did not have a problem but the other property owners did and questions whether that could not be done to protect the property below in this case. Mr. Pizzato comments the developer will be contacted regarding the planting of the slope. Councilman Quidort questions whether a wall should be required to protect the people below - the ditch fills up and the water goes into the back yards of the property below. Mr. Pizzato states the only water that would get into the back yards is the water that falls on the slope that is not absorbed by the slope. Unless there is a heavy rain to a point where there will be water ponding from the rain falling there, there should not be any water coming down from the slope, unless the people above regrade their back yards that would cause a rivulet of water coming down. A uniform slope, especially when it is planted, should absorb virtually all the water and not cause any problems.

Councilman Quidort states if the dirt goes into the cement ditch it will be expensive for the City to clean it out; questions why should this be done for the developer? Mr. Pizzato comments these are entirely two different circumstances; the concrete lined channel carries water from a substantial area, further to the south and west, and there is no comparison between that area and this area as it now exists and will exist from hereafter. At one time there was a concentration of water into the dirt ditch, but was first eliminated by directing it out to Swallow Drive and now has been permanently eliminated by the fill that goes in there. If there were any substantial amount of water coming into this area, the Engineering Department would have required that a concrete ditch be built at the base of the slope. In his view, this is not necessary and would be unsightly to the people below. The City will continue to maintain the concrete channel - will have to use hand labor to clean it out or flush it out. Councilman Quidort does not think it should be the City's problem.

Manager Applegate does not think this is fair to the subdivider; that land was there before and also the problem. When the A-frame house was built next to the subdivision, the developer set up the street pattern and the lot from the street slopes right down - there will be more water running off that lot underneath the A-frame, then off the present built up lots. If the slope is properly stabilized there should not be a problem. There is a problem all over the City where certain sections of a slope will give way occasionally, but they are not landslides. Each time it rains the City has to clean up Fletcher Parkway because that bank has never been stabilized. In the new slopes the City is requiring plantings, but that is no iron-clad guarantee that there will be no dirt slipping down. The City will do all it can to stabilize the banks but do not anticipate problems of magnitude that would fill up the ditch and back yards. There is no question that the soil in this area is expansive, there is a lot of movement of houses and roads, and the City has quite a problem just maintaining the streets. It certainly would be better from the City's standpoint if no houses were built there.

Councilman Quidort wants to be certain that everything possible is being done to prevent the problem.

Councilman Brown is still concerned about the comment made in the letter that the development was substandard and negative reports; keeps hearing this comment but sees nothing that backs it up and wonders if it is a rumor, emotion or if there is some fact in it. Mr. and Mrs. McIntyre are not present to comment.

Motion by Van Zanten, seconded by Quidort that excerpts of the minutes of May 2 and May 9 be sent to all property owners facing the bank.

Motion carried by unanimous vote of those present.

9. APPEAL C.U.P. 472 At the meeting of April 18, 1972, a hearing was held on appeal submitted by FOODMAKER, INC. on the decision of Planning Commission Resolution No. 3239, which granted Conditional Use Permit No. 472 for a quick service drive-through food facility (Jack-In-The Box) at the southeast corner of Main Street and Van Houten Avenue.

The matter was referred back to the Planning Commission directing their attention to permitting on-site left turn movements; also including their consideration of a concrete block wall between the subject property and the adjacent property.

By letter dated May 3, 1972, Planning Commission reaffirms its previous decision with respect to traffic flow on Conditional Use Permit No. 472, and recommends installation of a block wall along the southerly property line which does not now have a wall.

In reply to question from Mayor Snapp, Mr. Henson states he has viewed physically layouts of the proposed structure and recommended concurrence the second time.

Councilman Quidort sees nothing wrong with the driveway; these are business people and does not think they would wish to endanger themselves on their own property. If they were having a problem they would try to eliminate it. Does not agree with the Planning Commission.

Councilman Van Zanten comments under a conditional use permit, the City has a right to stop the use if there are problems.

Councilman Brown assumes the intent is to enter into the driving lane to pick up food, either from the westerly driveway entrance on Main Street or from the entrance on Van Houten Avenue, and that the easterly driveway entrance on Main Street is exit only. The proposal is to allow either exit through that driveway or across the front of the building across the entrance travel lane over to the parking spaces. Questions if the purpose is to allow someone to drive up to the window and then go to the parking area to eat the food. Mr. Henson states, yes. Councilman Brown thinks the Planning Commission plan is a good plan from the standpoint of moving traffic and not having conflicting traffic movements - the only question is how do they get over there to park to eat the food. Assumes there will be walk-up windows also. Mr. Henson advises the counter for walk-up customers will be inside the building and there will be a pedestrian entrance. Councilman Brown believes that would be a reasonable way to obtain the food if a person wanted to sit in his car to eat it, rather than having conflicting movements and the traffic moving around trying to exit on Van Houten. Thinks the Commission has done a good job; the City does require a conditional use permit for drive-up operations because of this type of problem.

Councilman Quidort does not agree that this should be closed off with no driveway. If the company was having problems, is sure they would not want to hurt their own business. If they are successful in their other operations, then they would want to operate this one the same way.

Councilman Van Zanten feels if the westerly driveway on Main were ingress only it would keep vehicles from crossing in front to make the intersection going west at a 45 degree angle, which would be

illegal. If the sign states "No Exit", after he has obtained his food, it would seem logical to go directly out on Main Street and turn east. Would like it clarified whether the driveway is intended for inbound traffic only. Mr. Henson does not believe that point was debated by the Commission. The revised plan is better than the existing circumstance in that the driveway is moved slightly farther to the east.

Another point, states Councilman Van Zanten, if the people parking facing west on Van Houten were to back up, there would be a problem if they knew they could only get out one of two ways on Van Houten or circulate and go through the pattern by the building whether they ordered food or not. This would restrict the route of travel because of the backing pattern coming out because they knew they could not get out there and would have to go to the south.

Mayor Snapp comments the operation is being moved back considerably from its present location; if Council would consider this same projection and look at some of the parking improvements made on specific plans in shopping areas where photos were taken of the cross flow of people going in and out, it is much more extreme than in this case. Really does not see a problem. If they have done this in other locations with success, and it is on their private property until the traffic is backed out on City property, they have a right to try it until the City can prove it is not working.

Motion by Van Zanten, seconded by Quidort to support the appeal, overruling the Planning Commission, with the understanding the block wall will be added on the southerly property line.

Discussion.

Councilman Van Zanten has some concern regarding the egress on that driveway, but if there is a problem is assuming it can be solved by the conditional use permit to make it egress only if it becomes a problem.

Votes are now cast on motion by Van Zanten, seconded by Quidort to support the appeal, overruling the Planning Commission, with the understanding the block wall will be added on the southerly property line.

AYES	Van Zanten, Quidort, Snapp
NOES	Brown
ABSENT	Cornett

Motion carried.

10. LTR. MC KEON CONST. At the meeting of May 2, 1972, Council
TRASH COLLECTION discussed the problem of trash collection
from private streets and alleys in planned
residential developments, pursuant to letter dated April 26, 1972
from McKeon Construction, and continued the matter for one week re-
questing that a representative from Universal Refuse Removal be pre-
sent for comment.

Mark Thomas, general manager of Universal Refuse Removal, 1475 Pioneer Way, states he has seen the letter from McKeon Construction. Would like to take objection to the statement, "To date, the residents in our development have not had pickup." This is completely untrue; they serviced the development for three weeks, both on the curb and inside; they did have to send a special truck to get in. Whether they get paid or not is immaterial but they did clean it up. The statement that he refused service is untrue also; he explained to Mr. Strain of McKeon Construction that they would always provide service and he took exception and appealed to the City. At that time Mr. Thomas informed Mr. Strain that the City would make the final decision. Universal's feeling is that if an exception is made in this case, they have no protection from all the other citizens in the City who ask for an exception also.

Mayor Snapp states part of the problem is the allegation relative to Universal's ability to move in and out of "private" alleys and the question whether this can be accomplished physically. Pointing to the area in pink on map displayed on board, asks Mr. Thomas what problems they have moving up the private one-way alleys. Mr. Thomas states the first thing to consider is the hazard involved; they would have to back out of each one-way alley. They are tight turns and when he told Mr. Strain they could service the townhomes, he was referring to a very small unit they use for exceptionally difficult jobs of this nature, but it would be extremely hazardous to send the regular size loader.

In reply to question from Councilman Van Zanten whether this development can be serviced with the small unit for the same fee other residents pay, Mr. Thomas states they utilize this particular unit in extreme circumstances, for instance in the hills where it is hazardous to send a big rig. Rather than to jeopardize the lives of their drivers and also citizen's and property damage that could result from a truck going over the side, they purchased a small unit. It is an expensive truck to run because the income from it does not justify it, but they felt it was part of their duty. Believes they have twenty cases in the City in which they do not charge them more, but they also use the small truck in the County where they negotiate individually with each resident, depending upon the circumstances. To his knowledge since he has been with the company, they have not negotiated with anyone in the City - they would rather not use the small truck.

Councilman Brown asks if Mr. Thomas has a proposal to accomplish this service. Mr. Thomas states they have tried to approach McKeon Construction and Universal's solution was to place 3 cubic yard containers which would service the development in the same manner as apartment houses are serviced, but they flatly rejected that type. Mayor Snapp questions whether the problem was that Universal was charging them as individual units. Mr. Thomas states every condominium has an association and he has personally talked with some of the tenants and told them he would lean over backwards until they had enough members in the association to pay for container service. He would be glad to install containers and service them and there would be no increase in charge to them. To his knowledge the association's obligation does not include trash pickup. There is another McKeon condominium outside the City that approached Universal just recently. They are on can service with which they are unhappy and they are negotiating with them now. It can be done and is sure it works on a democracy, a majority vote; if the members of the townhouse community vote for it then they all go along, otherwise they are charged individually as separate units.

Mayor Snapp comments this is the first condominium in the City; perhaps the City has erred somewhere, and maybe the error lies in considering it the same as apartment complexes where the City does require trash receptacle areas, instead of looking at it as an individual unit as they propose. May not be able to completely resolve the problem and Universal perhaps could furnish some input on future PRD's as to their thoughts and recommendations on condominiums as opposed to apartments.

Mr. Thomas would treat condominiums the same as apartments, would have the enclosures built and the container service. They have talked to a gentleman with McKeon Construction and showed him that it would be much more economical for the members of the condominium to subscribe to container service. Also informed them the City ordinance required an enclosure. Mayor Snapp questions where they have the open garages which face a common alley, whether each individual condominium owner would place his trash can outside each individual drive-in slot. Mr. Thomas believes they plan to place the trash cans inside the parking stalls and they want the trashman to bring out the cans. They have gone into the parking stalls to clean up the trash they found there - does not know what their intentions are, whether they plan to bring the trash cans out to the alley or leave them in the parking stalls.

In reply to question from Councilman Quidort, Mr. Thomas states a truck would have to back out of each alley and they operate with only one man to a truck. Does not know if a small truck could make the turn - would have to check the height but thinks the driver would have to utilize part of a parking stall. Councilman Quidort has noticed children using the alleys as a playground with basketball hoops, etc., and this will create quite a problem with only a one-man truck backing out approximately 700 feet.

Councilman Brown asks where the containers would be located, and how far would the residents have to carry trash to the containers. Mr. Thomas believes if containers were used, he is sure they would be placed at the end of the alleyways where it would be adjacent to the egress as the people drive by; is not sure whether there is room for that.

Mr. Henson comments there is a typical plan shown where adjacent to the alley there is a trash space indicated for trash cans. Mr. Thomas states when they first received calls from the owners of the condominiums, they tried to explain to them the problem with which they were faced. They did service from the curb, but some people kept putting their trash in the parking stalls and the alleys. They had to send their special truck to clean it up; this is part of the "modus operandi" and they feel this can be resolved in time. It can be done but feels that the large truck would be an extreme hazard.

Councilman Van Zanten thinks there is still an unanswered question - can the small rig turn around at the dead end of the alley, which Mr. Thomas does not know at this moment. Also, Mr. Thomas does not know how much extra it would cost if this were incorporated into the contract, that a special group be serviced by a special unit. Greenfield is not an exceedingly long distance from the trash disposal yard; perhaps Mr. Thomas could give an estimate what the cost would be for a small rig to make this run per week.

Councilman Brown thinks this matter could best be resolved by Universal, a representative of McKeon Construction or the people residing there and the City Manager, by working out a plan. Whatever that plan turns out to be, it obviously needs to be solved and it could be better solved in that manner than at a Council meeting.

Motion by Brown, seconded by Quidort to refer this matter to the staff to work out a solution with Universal, the property owners and McKeon Construction.

Discussion.

Mayor Snapp believes the minutes should convey the intent to McKeon Construction, feels there is a shortage in their design criteria more so than Universal's problem. Both parties have recourse if they are not satisfied and can come back to the City.

Manager Applegate advises McKeon's Planned Residential Development No. 2 is somewhat different than Planned Residential Development No. 1, in that the property is purchased by the townhouse owners and there is street frontage where the trash trucks can get through.

Councilman Brown clarifies the motion that he assumes they will also look at the other plan so that the same problems do not occur.

Votes are now cast on motion by Brown, seconded by Quidort to refer this matter to the staff to work out a solution with Universal, the property owners and McKeon Construction.

Motion carried by unanimous vote
of those present.

Recess is called at this time; Mayor Snapp calls meeting back to order at 9:05 o'clock p.m.

11. HEARING-APPEAL BY
PERSONNEL COMM.

As the result of an appeal filed by Mr. John Akre with the Personnel Commission to review the findings of the oral interview board for Associate Civil Engineer, the Personnel Commission by letter dated April 19, 1972, recommends that the score of the designated oral board member be deleted; Mr. Akre's final score would be an average of the scores given by the two remaining board members.

A minority opinion concerning the hearing has been filed by Dwight L. Tolman dated April 19, 1972.

The matter was continued from the meeting of May 2, 1972.

Councilman Brown is having some difficulty understanding why the findings of the oral interview board are being appealed. Manager Applegate explains this has already been appealed to the Personnel Commission and judged and the Civil Service Rules require Council to make a decision. Mayor Snapp states the Personnel Commission agrees the two scores of the two remaining board members of the oral interview board be an average and the third score deleted. Councilman Brown is concerned that a precedence is being established that an employee, after finding that he has not passed, may challenge some board member with the thought he may have given a low vote. The minority report was on the basis if prejudice was suspected it should be challenged prior to the interview. Would be very concerned about establishing the thought if the score is not to a person's liking, the challenge can then be backed up. If the employee feels there is someone sitting on the oral interview board who will not give him a fair interview, then the challenge should be prior to the interview.

Manager Applegate states the interview is part of the test; if an employee took the written test and thought some of the questions were wrong, he could challenge them and they could be taken out - if they happened to be questions he had failed and they were taken out, it would improve his score. It would seem if he thought some of the questions a member of the oral board asked were unfair he would have the right to challenge them. Councilman Brown asks whether the questions were challenged or just the opinion of the person. Manager Applegate thinks Mr. Akre is claiming the person was prejudicial - believes the hang-up by the Commission was that it was not made quite clear by the applicant just what the prejudice was. Maybe the applicant did not want to get into that and it was the Commission's judgment, after going through the appeal, that the majority agreed with the applicant. The minority opinion was that they never actually proved that.

Councilman Brown questions whether the applicant had any knowledge of the scores that were given by each board member prior to the time of the challenge. Manager Applegate does not believe he did.

Councilman Van Zanten questions what an employee would do if there were two members on the board he thought were biased - would he demand a new oral board. Mayor Snapp comments the employee would probably have expressed an opinion before the examination began. Believes there is room for doubt in this case; the Commission is willing to accept the scores of the other two members of the board - would seem an adequate solution.

In reply to question from Councilman Brown if a similar case occurred whether it would go through the same procedure and the Personnel Commission would again try to establish if, in fact, there was a prejudice, Manager Applegate states the City has not had a similar

case before - have had examinations challenged. Are trying to establish that the process of hiring and promoting employees by this system is absolutely fair, so must have the ability to challenge any part of it, otherwise the impression will be created that it is not fair.

Attorney McDougal states according to the Personnel Rules each case can be appealed individually to the Personnel Commission. There are two aspects; one is their determination that "There might have been a tendency toward a prejudiced feeling and this might be the reason for the score given" and the other is the Commission's recommendation as to how to remedy the situation. If Council does not like deleting that which this employee is objecting to, then the whole examination can be thrown out and start all over, which certainly is within Council's power and may be the best solution.

Mayor Snapp thinks Council has to look at the Personnel Commission with expertise. Attorney McDougal was only mentioning that there was an alternative, but does think it is important if examinations have to be given over, if Council thought it was not fair to all who took the exams, then Council has an obligation to have them taken over. Exams were thrown out before administratively on the basis that there was some prejudice.

Motion by Brown, seconded by Quidort recognizing that there is no precedent set by any action taken by Council now, and that each case will be considered individually in line with the Personnel Rules, that the position of the Personnel Commission be confirmed, and that the one score be deleted and average the remaining two to establish the applicant's position.

AYES
NOES
ABSENT
ABSTAIN

Brown, Quidort, Snapp
None
Cornett
Van Zanten

Motion carried.

Councilman Van Zanten abstains because he does not have enough information to make a decision.

12. AMEND CURB
CUT ORD.

By letter dated May 5, 1972, Director of Public Works submits a recommendation increasing the width of curb cuts in residential areas to a maximum of 25 or 30 feet.

Mr. Pizzato states, after the report was drafted, he had one of the staff members check the City of La Mesa, City of San Diego and San Diego County. Believes the County still has a maximum width of 20 feet and the City of La Mesa and City of San Diego have 24 or 25 feet. Sometimes there is a difference of opinion or a misunderstanding when dealing with developers on where this is measured - whether it is on the fully depressed portion or the full width from the full height of the curb. According to the City's ordinance, it is measured from the full height of the curb. Suggests that Council make a change and decide on the full width full height basis of either 25 or 30 feet. In his view, it is a trade-off because on-street parking is being reduced to permit the wider driveway cut.

Mayor Snapp asks what width Mr. Pizzato feels is necessary on the subdivision off Swallow Drive where they have three-car garages. Mr. Pizzato states there was a misunderstanding in that case between the developer and himself, in that in a telephone conversation he indicated 25 foot cuts would be suitable and the developer understood that to be in the depressed portion, so they have 30 foot driveways there. However, he does not think that should sway Council's judgment; in his view, 25 feet is adequate. The main difference is that on-street parking will be reduced as the permissible width of the driveways is increased.

Mayor Snapp states if the 30 foot cut is required, off-street parking is increased - one car can be parked on the driveway and the other cars have room to move out. Mr. Pizzato comments the front yard should not be used as a parking space; thinks if there is a full 25 foot width driveway, a car can be parked on the driveway in front of one of the bays and still back the other cars out. Another point is that there is a maximum permissible of 40% of frontage to be used for driveway, unless Council changes that also; frontage of 60 feet would allow 24 foot drives and on 70 foot frontage it would be 28 feet.

Regarding the subdivision on Swallow Drive, if Council chooses not to change the ordinance, they would have to appeal to Council as a special circumstance under the curb cut ordinance. The staff has certain leeways where a matter is a subject of a conditional use permit where the staff can exercise some judgment.

Councilman Quidort does not understand, just because there is a three-car garage, why there must be a 30 foot driveway - three cars do not come out at once. Manager Applegate states it would be illogical appearancewise to build a three-car garage and then have a 20 foot driveway.

Councilman Van Zanten questions what happens on cul-de-sac streets - Mr. Pizzato states cul-de-sacs are problems. Manager Applegate comments the appearance is different where you have a curve; as long as the house sets back farther, it is not a problem. There is further discussion on the necessity of the wider curb cut. Mr. Pizzato explains the difference on a sketch on the board.

Manager Applegate explains if Council changes the curb cut ordinance, that would be the allowable maximum - there is nothing in the ordinance that requires them to take the full 20 feet, but as the ordinance reads now they cannot take the 25 or 30 foot width curb cut. Councilman Quidort would like it clarified if there is a three-car garage an amended ordinance would take care of it and a two-car garage could also have 30 feet. Mr. Pizzato states yes, unless it is amended only on a three-car garage, but then that would be putting in a lot of restrictions. Manager Applegate comments there are circumstances where a property owner has a two-car garage and needs a wider driveway to get to his back yard. Mr. Pizzato states there is a clearance requirement along the side so that they can get to the rear yard - there probably is a tendency to go that way.

Councilman Brown thinks the City has all the control they need by the 40% rule, not more than 40% of the total frontage can be consumed by a driveway under the present ordinance. Mr. Pizzato states there is a maximum limitation on the single family residential uses, there is a maximum limitation on commercial and multi-family uses. The present maximum on residential is 20 feet and the minimum is 14 feet with a maximum permissible frontage; if the lot is wide enough they can have two driveways or one driveway with a maximum of 20 feet for an individual driveway.

Motion by Brown, seconded by Quidort to amend Code Section 25-44 to allow for a maximum curb cut of 30 feet, retaining all the other conditions.

Discussion.

Mayor Snapp understands the 24 foot width would be the maximum on a 60 foot lot. Questions what the frontage on the lots is in the subdivision north of Swallow Drive. Mr. Henson advises these lots are in the R-1-6 Zone and run approximately 65 or 70 feet in width.

For clarification Councilman Brown states the cut would be measured at the full height of the curb. Does not think the cul-de-sac is a problem because the 40% rule will govern and will not be cutting up the entire cul-de-sac again because of that rule.

Councilman Van Zanten would like to know how the cul-de-sacs were treated differently, but they are being treated the same now - the same rules apply on the frontage. Manager Applegate states nothing has changed except the maximum curb cut allowance.

Votes are now cast on motion by Brown, seconded by Quidort to amend Code Section 25-44 to allow for a maximum curb cut of 30 feet, measured at the full height of the curb, retaining all other conditions.

AYES	Brown, Quidort, Snapp
NOES	Van Zanten
ABSENT	Cornett

Motion carried.

George Pallas, project manager of Fletcher Hillside Unit No. 3, 4635 Seminole Drive, San Diego, points out they have several unique situations inasmuch as they have driveways coming off steep inclines which create quite a problem. Other problems are in the cul-de-sac area. Another point is that a person backing out of a driveway is limited to 25 feet, which is the overall on both sides of the garage. Believes a person can park legally to the top point of the curb, and the the closer the targets to the driveway the more of a hazard is created to the person backing out. By extending the curb back farther a lesser hazard is created. He is concerned because he has four such driveways and to make the corrections that are necessary would like to know whether he can apply for a variance to make the driveways adaptable. Also, if he has a problem with the driveways on the lots that are on steep inclines and the 30 feet is not adequate for ingress or egress, could he apply for a variance.

Mayor Snapp advises Mr. Pallas if he feels the motion will cause any problems on any particular lots, he can file a variance on an individual lot basis. This should have been resolved at the time the subdivision was approved because of the topography.

Councilman Van Zanten states it is getting to the point now if there is a 60 foot lot, there may be two parcels that will not have parking in front of their houses if there is a fire hydrant on the property line.

Councilman Brown cannot see how Council could resolve Mr. Pallas' problem; suggests he get together with the staff to see what can be worked out under the terms of the amendment to the ordinance made tonight. If that does not work out satisfactorily, then the staff can advise him of the procedure to bring the matter before Council.

13. DISC. ON SETTING	Consideration of setting a public hearing
HEARING-PROP. 9	on Proposition 9 was discussed by Council
	at the meeting of April 18, 1972.

The Environmental Development Agency has submitted a report setting forth certain information on Proposition 9.

Mayor Snapp states it is his intent that this hearing be publicized, although it is not technically a public hearing per se, except people are invited to testify. The Chamber of Commerce has indicated a desire to speak; questions if there are other organizations Council would like to direct invitations to speak. Councilman Brown does not think any organization should be invited specifically; it would be dangerous to invite anyone because someone would surely be left out. As long as they are aware of the hearing, certainly they will come of their own volition.

Motion by Brown, seconded by Quidort to set a public hearing to discuss Proposition 9 on May 23, 1972.

Motion carried by unanimous vote
of those present.

14. GENERAL CONST.
APPEALS BOARD
EXPIR. OF TERMS

Motion by Brown, seconded by Quidort to continue Item 14 one week (appointments to General Construction Appeals Board).

Motion carried by unanimous vote of those present.

15. PLAN. COMM. EXPIR.
OF TERM

Mr. Emil Maiden's term on the Planning Commission will expire May 15, 1972.

Appointment is by the Mayor with approval of Council.

Mayor Snapp reappoints Mr. Emil Maiden to the Planning Commission for a four year term commencing May 15, 1972.

Motion by Quidort, seconded by Brown to concur with this reappointment.

Motion carried by unanimous vote of those present.

16. CONSENT ITEMS

There were none.

17. RESOLUTION 157-72

Motion by Quidort, seconded by Van Zanten to adopt Resolution No. 157-72 a resolution of intention to obligate apportionment of TOPICS Funds for fiscal years 1971-1972 and 1972-1973 for various improvements in the City of El Cajon.

Discussion.

Councilman Brown questions whether this is continuing the program that Council approved last year; would like to cancel the whole program. Mr. Pizzato thought it would end with this fiscal year but was advised there is money for the next fiscal year. This is a bureaucratic process that they want a resolution from the City that it is planning to spend the money.

Votes are now cast on motion by Quidort, seconded by Van Zanten to adopt Resolution No. 157-72, a resolution of intention to obligate apportionment of TOPICS Funds for fiscal years 1971-1972 and 1972-1973 for various improvements in the City of El Cajon.

Motion carried by unanimous vote of those present.

18. RESOLUTION 158-72

Motion by Quidort, seconded by Van Zanten to adopt Resolution No. 158-72, a resolution determining and declaring that the public interest, convenience and necessity of the City of El Cajon requires the acquisition of property for the construction of a public street; that the public interest, convenience and necessity demand the acquisition of right of way to be used by said City for the construction and completion of said work; declaring the intention of the City to acquire said property under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California in and for the County of San Diego for the purpose of condemning and acquiring right of way. Ballard Street between Washington Avenue and Redwood Street 1911 Act Improvement District.

Motion carried by unanimous vote of those present.

19. RESOLUTION 159-72

Motion by Quidort, seconded by Van Zanten to adopt Resolution No. 159-72 awarding bid for purchase of diesel engine and associated equipment. (Bob's International)

Motion carried by unanimous vote of those present.

20. RESOLUTION 160-72 Motion by Quidort, seconded by Van Zanten
to adopt Resolution No. 160-72 approving
plans and specifications for Pine Drive, et al. sewer replacement.

Motion carried by unanimous vote
of those present.

21. RESOLUTION 161-72 Motion by Quidort, seconded by Van Zanten
to adopt Resolution No. 161-72 adopting
prevailing wage scale for sewer replacement in Pine Drive, et al.

Motion carried by unanimous vote
of those present.

22. RESOLUTION 162-72 Motion by Quidort, seconded by Van Zanten
to adopt Resolution No. 162-72 ordering
the work and directing publication of notice inviting bids for the
installation of the Pine Drive, et al. sewer replacement.

Motion carried by unanimous vote
of those present.

23. RESOLUTION 163-72 Motion by Quidort, seconded by Van Zanten
to adopt Resolution No. 163-72 accepting
grant of interest in real property by City of El Cajon for public
alley purposes. (Cox) (Zone Reclassification No. 1007)

Motion carried by unanimous vote
of those present.

24. RESOLUTION 164-72 Motion by Quidort, seconded by Van Zanten
to adopt Resolution No. 164-72 accepting
grant of interest in real property by City of El Cajon, an easement
for drainage purposes. (Valentine) (Zone Reclassification No. 1008)

Motion carried by unanimous vote
of those present.

25. RESOLUTION 165-72 Motion by Quidort, seconded by Van Zanten
to adopt Resolution No. 165-72 accepting
grant of interest in real property by City of El Cajon for public
street purposes. (Valentine) (Zone Reclassification No. 1008)

Motion carried by unanimous vote
of those present.

26 AND 27 Motion by Quidort, seconded by Van Zanten
FIRST READINGS to have first readings of Item 26, Zone
Reclassification No. 1007, Cox; and Item
27, Zone Reclassification No. 1008, Valentine.

Motion carried by unanimous vote
of those present.

26. Z.R. 1007-COX City Clerk reads heading of an ordinance
rezoning portion of Lot 9, Block 17,
Bostonia Acres Extension, into Zone "P-C". Zone Reclassification
No. 1007. (Cox)

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

Motion carried by unanimous vote
of those present.

27. Z.R. 1008 City Clerk reads heading of an ordinance
VALENTINE rezoning portion of Lot 88, Subdivision
No. 2, Chase Rancho, into Zone "R-2".
Zone Reclassification No. 1008. (Valentine)

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

Motion carried by unanimous vote
of those present.

28. ORDINANCE 2482 City Clerk reads heading of an ordinance
adopting the Uniform Plumbing Code, 1970
Edition, as amended; establishing requirements, rules and standards
for plumbing installations and materials; providing for the issuance
of permits and collection of fees; providing penalties for the vio-
lation thereof; amending portions of Chapter 21 of the Code of the
City of El Cajon.

Motion by Quidort, seconded by Brown to waive second reading of above ordinance and to adopt Ordinance No. 2482 adopting the Uniform Plumbing Code, 1970 Edition, as amended; establishing requirements, rules and standards for plumbing installations and materials; providing for the issuance of permits and collection of fees; providing penalties for the violation thereof; amending portions of Chapter 21 of the Code of the City of El Cajon.

Motion carried by unanimous vote
of those present.

29. ORDINANCE 2483 City Clerk reads heading of an ordinance
adopting the National Electrical Code,
1971 Edition, as amended; establishing requirements, rules and stan-
dards for electrical installations and materials, providing for the
issuance of permits and collection of fees; providing penalties for
violation thereof; amending portions of Chapter 10 of the Code of
the City of El Cajon.

Motion by Quidort, seconded by Brown to waive second reading of above ordinance and to adopt Ordinance No. 2483 adopting the National Electrical Code, 1971 Edition, as amended, establishing requirements, rules and standards for electrical installations and materials; providing for the issuance of permits and collection of fees; providing penalties for violation thereof; amending portions of Chapter 10 of the Code of the City of El Cajon.

Motion carried by unanimous vote
of those present.

30. ORDINANCE 2484 City Clerk reads heading of an ordinance
rezoning Lots 1-35, Terrace View Subdivi-
sion, Map No. 7109, into Zone "R-S-9". Zone Reclassification No.
1011.

Motion by Quidort, seconded by Brown to waive second reading of above ordinance and to adopt Ordinance No. 2484 rezoning Lots 1-35, Terrace View Subdivision, Map No. 7109, into Zone "R-S-9". Zone Reclassification No. 1011.

Motion carried by unanimous vote
of those present.

31. WARRANTS Motion by Quidort, seconded by Brown to
approve Commercial Warrants Nos. 32281
through 32352 in the amount of \$224,785.54 and Payroll Warrants Nos.
28944 through 29404 in the amount of \$145,417.02.

Motion carried by unanimous vote
of those present.

31A. DISC. MEET. WITH
BD. OF SUPER.
RE SB 325 TAX

Councilman Brown refers to letter from Mr. Scheidle, Chairman of the Board of Supervisors, inviting City Mayors and Councilmen to attend a meeting on Thursday, May 11, 1972, to discuss the Board's problem with levying the 1 $\frac{1}{4}$ % sales tax, which they either must levy or the cities will have no sales tax at all. Councilman Brown finds it unbelievable that they would even entertain the thought, but thinks it is important that as large a contingent as possible from the City be in attendance at that meeting.

Mayor Snapp agrees whole-heartedly; states the executive committee of the League met Monday and concurrence was identical.

Councilman Brown thinks it is very important that the cities be well represented and explain to the Board some of the matters they do not seem to understand, such as, under the terms of the law, there is no way that the Board of Supervisors can get control of that money nor can CPO get any of the money - all they do is go through the same review process they currently go through for virtually all federal grant applications that are filed within the County. They never touch the money and cannot get any for their direct use except for the cost of administering that particular function. Thinks it is absolutely ludicrous that governmental agencies could be so concerned with power and so little concerned with solving problems.

31B. CPO FUNDING

Councilman Brown has presented Council with copies of letter dated May 5, 1972, from George F. Bailey, Chairman of Comprehensive Planning Organization of San Diego County. Explains this is a proposal that was discussed at the last Policy Committee meeting, a concern for what is going on in CPO currently. According to the Board of Supervisors, Attachment No. 1 (1970-1971), which gives the estimated costs for the CPO program, there is no accounting of what happens to the money in CPO, and the County is estimating the cost of CPO for next year at \$1,357,000. At the last CPO Policy Committee meeting a vote was taken and passed with concurrence of everyone, except the County, to establish CPO as an identifiable unit, requiring that it adopt a budget for \$547,000, which is \$800,000 less than the County is projecting, that the organization be audited at the end of the year, the audit be published so that everyone would know where the money came from and where it went, that there be a manager in charge and the same governing board that exists now. The funding, to get away from the fact that the County currently has a veto power over CPO by withholding funds or staff is to come on a proportional basis from the constituent members. It also reduces the staff from approximately 60, which the County now claims for CPO, to a maximum of 44 people. El Cajon's portion would be \$21,880 and Councilman Brown recommends that the City put that sum into the preliminary budget, which would not be a commitment at this time, but it would be available on July 1, if it is a final determination of the cities in this County and the County to isolate CPO into an identifiable, auditable unit.

Mayor Snapp questions where the amount \$21,880 is in relation to 1/38 of 1% of taxable sales. Councilman Brown does not have the figure but believes it is slightly less; believes the 1/38 of 1% of taxable sales which the Chamber of Commerce has proposed came to about \$40,000. This breakdown is more on the basis of population, which would be cheaper to the City than if it were based on sales tax, since El Cajon is the third largest city in population and second largest in sales tax. The members of the CPO Policy Committee felt that the population breakdown was probably the most equitable.

Mayor Snapp would be very curious to find out what, in fact, is the County's sales tax revenue currently generated, without the sales tax on gasoline and all the hypothetical things that may be coming up if they occur. Councilman Brown states the current tax revenue is about 2.8 million dollars. On the 1/38 proposal the County's share is approximately \$65,000 and on population basis it is \$280,000.

Motion by Brown, seconded by Snapp to instruct the City Manager to include \$21,880 in the preliminary budget for the support of CPO.

Discussion.

Mayor Snapp questions if CPO gets isolated without statutory creation, in other words, the bill does not pass, what control would the City have insofar as the staff is concerned - does the Policy Committee have sole control. Councilman Brown states the Policy Committee would have sole control and the manager who would be hired would have direct control. Councilman Brown used the figures that Mr. Huff prepared which is \$800,000 less than Mr. Morey prepared - cannot prove this estimate is in error but Mr. Morey cannot prove it is right either, because there has never been any accounting.

Votes are now cast on motion by Brown, seconded by Snapp to instruct the City Manager to include \$21,880 in the preliminary budget for the support of CPO.

Motion carried by unanimous vote of those present.

32. REPORTS OF COUNCILMEN There were none.

33. ORAL COMMUNICATIONS There were none.

ORDER OF ADJOURNMENT Motion by Quidort, seconded by Brown that the adjourned regular meeting of the City Council of the City of El Cajon, California, held this 9th day of May, 1972, is adjourned at 10:00 o'clock p.m., to Tuesday, May 16, 1972, 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.


City Clerk

