

Minutes

Santee City Council CDC Successor Agency Santee Public Financing Authority

Council Chambers
10601 Magnolia Avenue
Santee, California
June 8, 2016

This Regular Meeting of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority was called to order by Mayor/Chair Randy Voepel at 7:05 p.m.

Council Members present were: Mayor/Chair Randy Voepel, and Council/Authority Members Ronn Hall, Rob McNelis and John W. Minto. Vice Mayor/Vice Chair Jack E. Dale entered the meeting at 7:08 p.m.

Officers present were: City Manager/Authority Secretary Marlene Best, City/Authority Attorney Shawn Hagerty and City Clerk Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, and City Attorney shall be used to indicate Mayor/Chair, Vice Mayor/Vice Chair, Council/Authority Member, City Manager/Authority Secretary, and City/Authority Attorney.)

The **INVOCATION** was given by Reverend Christian DeMent of the First United Methodist Church of Santee, and the **PLEDGE OF ALLEGIANCE** was led by Dustin Trotter.

Mayor Voepel welcomed the new Sheriff's Captain, Anthony Ray.

PRESENTATION: Presentation of Funds by Waste Management for Santee Salutes, Holiday Lighting, San Diego River Fest Events and Summer Concert Series

Mayor Voepel introduced Daniel Butler, Waste Management's Public Sector Representative. Mr. Butler presented the City with a check for \$37,000 for sponsorship of the City's 2016 Santee Salutes, Holiday Lighting Celebration, San Diego River Fest Events and the Summer Concert Series.

PROCLAMATION: Proclaim June 11, 2016 "Dogs on Deployment Day"

Mayor Voepel presented the proclamation for "Dogs on Deployment Day" to San Diego Coordinator Rich Setzer and Marine Captain Alisa Johnson, founder of the program.

Santee Park and Recreation Committee member Anita Bautista presented a lei to Mayor Voepel and congratulated him on being the presumptive winner for the 71st State Assembly District seat.

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

City Clerk Bell requested that Items 6(A) and 6(B) be heard concurrently as they both relate to the Via De Cristina Park. City Clerk Bell reported that for Item 1(D) an additional Resolution was provided that had been inadvertently omitted from the agenda materials. She also stated that there was additional information provided for Items 2(A), 2(B) and 2(C).

1. CONSENT CALENDAR:

- (A) Approval of reading by title only and waiver of reading in full of Ordinances on agenda.
- (B) Approval of Meeting Minutes:
 - Santee City Council April 27, 2016 Regular Meeting
 - Santee Public Financing Authority April 27, 2016 Regular Meeting
 - CDC Successor Agency April 27, 2016 Regular Meeting
- (C) Approval of Payment of Demands as presented.
- (D) Adoption of four (4) Resolutions associated with the November 8, 2016 General Municipal Election. (Resos 054-2016, 055-2016, 056-2016, 057-2016)
- (E) Second Reading and Adoption of an Ordinance amending Chapter 17.32 of the Santee Municipal Code related to Election Signs and Temporary Noncommercial Signs. (Ord 541)
- (F) Rejection of the Bid Process for Bid #16/17-20021 and award of the Contract for Fountain Maintenance and Repairs via open market to California Waters Development Incorporated for an amount not to exceed \$39,688.00; authorizing the City Manager to approve three additional 12-month options to renew with corresponding purchase orders; authorization for the City Manager to approve annual change orders up to 10% of the then current contract amount; and authorization for the Director of Community Services to execute a Notice of Completion to be filed by the City Clerk.
- (G) Adoption of a Resolution Accepting the Prospect Avenue Sidewalk Improvements (CIP 2013-06) as Complete. (Reso 058-2016)

ACTION: On motion of Council Member McNelis, seconded by Council Member Hall, the Agenda and Consent Calendar were approved as amended with all voting aye.

2. PUBLIC HEARING:

- (A) A Public Hearing on an appeal of the decision of the Director of Development Services to declare unlawful conditions that constitute public nuisances and danger to the health, safety and general welfare of occupants, surrounding community and the public, at property located at 10504 Santana Street, and associated “Order to Vacate” and “Notice and Order to Repair or Abate Dangerous Building and Public Nuisance” and “Supplemental Attachment” by August 11, 2016. (Reso 059-2016)

The Public Hearing was opened at 7:25 p.m.

ENTERED INTO THE RECORD:

Staff provided a copy of the Appeal Request from Rebecca Zulauf, which was inadvertently omitted from the agenda materials, as well as seven letters from members of the public in support of staff’s recommendation.

City Attorney Hagerty introduced Deputy City Attorney Victoria Hester who has been assisting and advising staff on this matter, including the Vacate Order and the repair of the property. Because of his involvement on the matter, City Attorney Hagerty stated that it is prudent that he recuse himself. He then introduced Attorney HongDao Nguyen who will represent the City on this item. Ms. Nguyen has had no involvement with this case and is prepared to advise Council during the hearing. City Attorney Hagerty left the dais.

Mayor Voepel outlined the process for the hearing. To insure an impartial hearing based on the evidence before the Council tonight, Mayor Voepel requested each Council Member disclose whether or not they have had any contact or communications related to the appeal prior to this hearing. Council Members Minto and McNelis both reported having no contact or communication relating to the appeal other than receiving agenda related materials. Mayor Voepel disclosed that Rebecca Zulauf requested a meeting with him, but because the legal proceedings were already in process, he declined. Vice Mayor Dale disclosed that he received a number of emails and electronic photographs, but was unable to view any of them because of computer issues. Council Member Hall disclosed that he received a number of emails and that two years prior, he was approached by some neighboring homeowners regarding this situation, to which he responded by forwarding the citizens’ concerns to the City Manager. The emails and photographs mentioned above had been received by the City after the agenda issuance and were circulated by City Clerk Bell in advance of the appeal hearing.

Director of Development Services Melanie Kush and Code Compliance Officer Amanda Thom provided the staff report utilizing a PowerPoint presentation. Staff answered many Council questions regarding, but not limited to, the process and steps taken, home inspections, safety concerns, fire hazards, duration of this case and possible solutions.

PUBLIC SPEAKERS:

In Opposition:

- Rebecca Zulauf, Appellant, distributed photos of the repair work she has done and requested that Council allow her more time to complete the repairs to her home.
- Jessica Zulauf, Appellant's daughter, spoke in support of her mother being allowed additional time to bring the home into compliance. When asked, she confirmed that she and her mother had the means to get the work completed and to get it done by the August 11th deadline. When asked, she confirmed that she understood that if the work was not completed by the August 11th deadline, the City could pursue a receivership for the property.

City Clerk Bell announced that five speaker slips in Opposition but not wishing to speak were received from Richard Saylor, Jake Zulauf, Justin Prewitt, Robert Johnson and Kevyn Welch.

In Support:

- Stephanie Boyce, a neighbor, expressed concerns about the unsafe conditions of the house, the fire risk it imposes on the neighborhood and that the case has been ongoing for seven years.

City Clerk Bell announced that one speaker slip in Support but not wishing to speak was received from Janet Kosta.

During discussion, staff answered a variety of additional questions from the Council. Deputy City Attorney Hester and Attorney Nguyen provided information regarding the next steps in the process, including the consequences and possibility of the home going into receivership if all the work is not completed by August 11th.

Upon Ms. Zulauf's question regarding having access to the home in order to work on the repairs, Council assured Ms. Zulauf that she and her contractor would be given all the access they need with appropriate notice to City staff. In response to Ms. Zulauf's question regarding the ability to use her current plans to continue the work, staff explained that the plans she wants to use do not match the house; therefore she must have new plans made.

ACTION: After further discussion, on motion of Council Member Minto, seconded by Vice Mayor Dale, the Public Hearing was closed at 9:14 p.m. and the Resolution affirming the decision of the Director of Development Services to declare unlawful conditions that constitute public nuisances and danger to the health, safety and general welfare of occupants, surrounding community and the public, at property located at 10504 Santana Street, and associated "Order to Vacate" and "Notice and Order to Repair or Abate Dangerous Building and Public Nuisance" and "Supplemental Attachment" by August 11, 2016, was adopted with all voting aye.

- (B) Public Hearing on a Resolution of the City Council of the City of Santee, California, approving the staff report and authorizing a special assessment on certain parcels of land that received Administrative Citations for Municipal Code violations and/or Administrative Fees for which costs have not been paid by the owner(s) of record of said parcels. (Reso 060-2016)**

The Public Hearing was opened at 9:15 p.m.

ENTERED INTO THE RECORD:

An amended Resolution with Exhibit A – Cost Report was provided by staff reflecting properties being removed from the Cost Report as the property owner paid their fees.

Vice Mayor Dale stated that he had a conflict because his daughter works for Lantern Crest, one of the properties listed in Exhibit A.

Director of Development Services Melanie Kush confirmed that the property list had been updated to reflect that Lantern Crest was paid in full and therefore removed from the list. She then provided the staff report utilizing a PowerPoint presentation.

ACTION: On motion of Council Member McNelis, seconded by Council Member Hall, the Public Hearing was closed at 9:18 p.m. and the amended Resolution approving the report and authorizing special assessments was adopted with all voting aye.

- (C) Public Hearing on a Resolution of the City Council of the City of Santee, California, establishing a special assessment on certain parcels of land that were subject to involuntary weed abatement and/or Administrative Fees by the City and for which costs have not been paid by the owner(s) of record of said parcels. (Reso 061-2016)**

The Public Hearing was opened at 9:20 p.m.

ENTERED INTO THE RECORD:

An amended Resolution with Exhibit A – Cost Report was provided by staff reflecting properties being removed from the Cost Report as the property owner paid their fees.

Director of Development Services Melanie Kush and Code Compliance Officer Amanda Thom provided the staff report utilizing a PowerPoint presentation and answered Council's questions.

PUBLIC SPEAKERS:

In Opposition:

- Belinda Lail requested the Council to waive the fees for her property because she had completed all the work.

- Bill Howland asked the Council to waive the fees for his property because he completed the work.
- Damion LaBounty, tenant of Bill Howland, stated he does the yardwork and maintains the property well.

During further discussion, Ms. Thom explained that homeowners are notified of the inspection results four times before the administrative fee is assessed. She further explained that even if the weed issues were addressed prior to the City/Fire Protection Services (FPS) work crew arriving to perform the work, administrative fees were assessed because of the additional site inspections that were performed prior to the scheduling of work crews.

Council Member Hall expressed concern regarding the process and requested a copy of the City's contract with FPS, the company that enforces the fines.

ACTION: On motion of Vice Mayor Dale, seconded by Council Member McNelis, the Public Hearing was closed at 9:54 p.m., the cost report and account of unpaid weed abatement was approved and the amended Resolution confirming the report and ordering abatement costs to be a special assessment on the properties referenced in the report and as shown on the list of properties was adopted with all voting aye, except Mayor Voepel and Council Member Minto who voted no.

3. **ORDINANCES:** See Item 1(E)
4. **CITY COUNCIL ITEMS AND REPORTS:** None
5. **CONTINUED BUSINESS:** None
6. **NEW BUSINESS:**

The following items were heard concurrently:

- (A) **Dedicating and Naming of park site at Via de Cristina in honor of Deputy Sheriff Ken Collier.**
- (B) **Resolution awarding the Via de Cristina Park Project (CIP 2014-31) Construction Contract, appropriating County Neighborhood Reinvestment Program Grant Funds, transferring Park-in-Lieu Funds and determining a Categorical Exemption pursuant to the California Environmental Quality Act. (Reso 062-2016)**

Director of Community Services Bill Maertz and Principal Civil Engineer Carl Schmitz provided the staff report utilizing a PowerPoint presentation.

PUBLIC SPEAKERS:

In Support:

Karen Li thanked the Council, the Sheriff's Department and SPARC for honoring her late fiancée.

City Clerk Bell announced that seven speaker slips in Support but not wishing to speak were submitted by Paulina Li, Edie Viramontez, Regan Savalla, Kristen Beathe, Nancy Robinson, Christina Rae and Han Hershman.

ACTION: On motion of Council Member McNelis, seconded by Council Member Hall, the recommendation to name the park site on Via de Cristina as Deputy Ken Collier Neighborhood Park was approved, and the Resolution determining the bid from Anton's Service to be non-responsive, waiving the addendum requirement, awarding the Via de Cristina Park Project construction contract to Horizons Construction for \$783,647.49, authorizing the Director of Development Services to approve change orders in an amount not to exceed \$78,364.00, appropriating a \$64,413.00 County of San Diego Neighborhood Reinvestment Program Grant, and authorizing a transfer of \$165,932.64 in Park-In-Lieu fees from the Town Center Community Park Well Installation project budget was adopted with all voting aye.

(C) Approve Amendment #1 to increase FY 2015-16 contract (13/14-2) amount for Plumbing Repairs and Related Maintenance with Countywide Mechanical Systems, Incorporated, #13/14-2.

Director of Community Services Bill Maertz provided the staff report utilizing a PowerPoint presentation and answered Council's questions.

ACTION: On motion of Council Member Hall, seconded by Council Member Minto, Amendment #1 to increase the FY 2015-16 contract (13/14-2) amount for Plumbing Repairs and Related Maintenance with Countywide Mechanical Systems, Incorporated to \$27,000 and authorization for the City Manager to execute said amendment was approved with all voting aye.

(D) Resolution awarding a four-year professional services agreement with Vision Technology Solutions, LLC for the Redesign and ongoing support of the City website. (Reso 063-2016)

Assistant to the City Manager Kathy Valverde provided the staff report utilizing a PowerPoint presentation and answered Council's questions.

ACTION: On motion of Vice Mayor Dale, seconded by Council Member Hall, the Resolution awarding a four-year Professional Services Agreement with Vision Technology Solutions, LLC for the redesign of the City website at an initial year cost of \$47,030 and ongoing support services for the subsequent three years at a cost of \$31,525, and authorizing the City Manager to execute the agreement and approve change orders up to 10% for any unforeseen changes and modifications in the first year was adopted with all voting aye.

- (E) **Resolution of the City Council of the City of Santee, California Awarding the Construction Contract for the City Hall HVAC Replacement Project (CIP 2012-41), Appropriating Energy Efficiency Funds, Transferring Funds and Approving a Categorical Exemption Pursuant to the California Environmental Quality Act. (Reso 064-2016)**

Principal Civil Engineer Carl Schmitz provided the staff report utilizing a PowerPoint presentation and answered Council's questions.

ACTION: On motion of Vice Mayor Dale, seconded by Council Member Minto, the Resolution awarding the construction contract to Countywide Mechanical Systems, Inc. for a total amount of \$515,325.13, authorizing the City Manager to execute the contract, authorizing the Director of Development Services to approve change orders in an amount not to exceed \$25,766.25, appropriating Energy Efficiency Funds in the amount of \$24,675.17, transferring \$28,096.97 from the City Hall Foundation Repair Project and transferring \$61,307.06 from various Sage projects, and approving a categorical exemption pursuant to the California Quality Environmental Act was adopted with all voting aye, except Council Member McNelis who was absent.

- (F) **Resolution of the City Council of the City of Santee, California Awarding the Construction Contract for the Citywide Pavement Repair and Rehabilitation Program 2016 (CIP 2016-02) and determining a Categorical Exemption Pursuant to the California Environmental Quality Act. (Reso 065-2016)**

Mayor Voepel recused himself because his home is near the project and left the dais.

Principal Civil Engineer Carl Schmitz provided the staff report utilizing a PowerPoint presentation and answered Council's questions.

ACTION: On motion of Council Member Minto, seconded by Council Member Hall, the Resolution awarding the construction contract for the Citywide Pavement Repair and Rehabilitation Program 2016 (CIP 2016-02) to SRM Paving and Contracting for a total amount of \$2,440,000.00 and authorizing the Director of Development Services to approve change orders in an amount not to exceed \$244,000.00 was adopted with all voting aye, except Mayor Voepel who abstained.

7. **COMMUNICATION FROM THE PUBLIC:**

- (A) Jean Emmons discussed the possibility of Mast Boulevard being two lanes in each direction instead of such a wide median.

8. **CITY MANAGER REPORTS:** None

9. **CDC SUCCESSOR AGENCY:**
(Note: Minutes appear as Item 1B)

(A) Resolution Authorizing Professional Services Agreements for Tax Allocation Refunding Bonds Financing Team Consultants and Approving the Bond Underwriter.

Finance Director Tim McDermott provided a staff report utilizing a PowerPoint presentation and answered Council's questions.

ACTION: On motion of Council Member Minto, seconded by Council Member McNelis, the Resolution authorizing the City Manager to execute the following professional services agreements: a) HdL Coren & Cone for fiscal consulting services for an amount not to exceed \$22,500; b) KNN Public Finance for financial advisory services for an amount not to exceed \$79,000; c) Best Best & Krieger LLP for bond counsel services for an amount not to exceed \$52,500; d) Quint & Thimmig LLP for disclosure counsel services in an amount not to exceed \$35,000; and approving Piper Jaffray & Co. to serve as bond underwriter was adopted with all voting aye.

10. **SANTEE PUBLIC FINANCING AUTHORITY:**
(Note: Minutes appear as Item 1B)

11. **CITY ATTORNEY REPORTS:** None

Council recessed at 10:29 p.m. and convened in Closed Session at 10:33 p.m. with all Members present.

12. **CLOSED SESSION:**

(A) CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
Agency Designated Representative: City Manager
Employee Organization: Santee Firefighters' Association

(B) CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
Agency Designated Representatives: City Manager
Unrepresented Employees: All Full-Time Miscellaneous & Management Employees.

Council Members reconvened in Open Session at 11:00 p.m. with all Members present. Mayor Voepel reported that on Items 12(A) and 12(B), direction was given to staff.

13. ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:01 p.m.

Date Approved: August 10, 2016

/s/ Patsy Bell
Patsy Bell, CMC, City Clerk and for
Authority Secretary Marlene Best