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**City of Santee
Regular Meeting Agenda**

**Santee City Council
CDC Successor Agency
Santee Public Financing Authority**

**Council Chamber – Building 2
10601 Magnolia Avenue
Santee, CA 92071**

**October 12, 2016
7:00 PM**

ROLL CALL: Mayor Randy Voepel
Vice Mayor Jack E. Dale
Council Members Ronn Hall, Rob McNelis and John W. Minto

LEGISLATIVE INVOCATION \ PLEDGE OF ALLEGIANCE:

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

1. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be approved by one motion, with no separate discussion prior to voting. Council Members, staff or public may request specific items be removed from the Consent Calendar for separate discussion or action. Speaker slips for this category must be presented to the City Clerk before the meeting is called to order. Speakers are limited to 3 minutes.

- (A) Approval of reading by title only and waiver of reading in full of Ordinances and Resolutions on the agenda.**
- (B) Approval of Meeting Minutes of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority for the September 14, 2016 Regular Meetings.**
- (C) Approval of Payment of Demands as presented.**
- (D) Rejection of three claims against the City by Ajamu Shaw, Jared Murillo Brown and Daniel Johnson per Government Code Section 913.**

2. PUBLIC HEARING:

- (A) Public Hearing and First Reading of an Ordinance amending Chapter 9.74 of the Santee Municipal Code to regulate the personal, medical, and commercial use of marijuana.**

Recommendation:

1. Conduct and close the public hearing; and
2. Introduce the Ordinance for First Reading and schedule the Second Reading for the October 26, 2016 City Council meeting.

3. ORDINANCES:

See Also Item 2(A)

- (A) Recommendation from the Salary Setting Advisory Committee regarding compensation for the Mayor and City Council; review of committee bylaws; and introduction and First Reading of an Ordinance repealing Ordinance 482 and amending Section 2.08.010 of the Santee Municipal Code regarding Council salaries and Section 2.08.020 regarding the Mayor's salary.**

Recommendation:

1. Consistent with the Salary Setting Advisory Committee recommendation, introduce the Ordinance for First Reading, consider it for approval, and set the Second Reading for October 26, 2016; and
2. Appropriate funds as needed for any approved compensation increases; and
3. Provide direction on Committee membership qualifications.

- (B) Introduce and set for public hearing an Ordinance rescinding Chapters 15.02, 15.04, 15.06, 15.08, 15.10, 15.12, 15.16, 15.18 and 15.22 of Title 15 of the Santee Municipal Code entitled "Building And Construction," in their entirety and adopting by reference the 2016 California Building Standards Code, including the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, the 2016 California Fire Code, and the California Referenced Standards Code, together with modifications, additions, and deletions thereto.**

Recommendation:

1. Introduce Ordinance for First Reading; and
2. Set the Public Hearing and Second Reading for October 26, 2016.

4. CITY COUNCIL ITEMS AND REPORTS:

5. CONTINUED BUSINESS: None

6. NEW BUSINESS:

(A) Consideration of a request to detach a 0.19-acre portion of land from the City of Santee. (Applicant: Lakeside Investment Company)

Recommendation:

Provide direction to staff on consideration of the request for detachment of land from the City of Santee.

(B) Resolution authorizing the purchase of one new 2017 Ford F-250 cab and chassis with utility body from Downtown Ford Sales per State of California Contract #1-16-23-20A and declaring one vehicle surplus property.

Recommendation:

Adopt the Resolution:

1. Authorizing the purchase of one new 2017 Ford F-250 4x2 Cab and Chassis with added utility body from Downtown Ford Sales for an amount not to exceed \$44,376.99 and authorizing purchase of other miscellaneous accessories from other vendors for an additional amount not to exceed \$6,903.01; and
2. Declaring Vehicle V#096, a 1997 Ford F-250 service truck, surplus upon receipt and acceptance of the new vehicle and directing sale of surplus vehicle at public auction; and
3. Authorizing the City Manager to execute all necessary documents.

(C) Resolution authorizing an additional funding source to the existing Professional Services Agreement with Marion B. Borg Environmental Consulting for “as needed” planning and environmental services on land development projects that would be both developer funded and grant funded.

Recommendation:

Adopt the Resolution authorizing the additional funding source to the Professional Services Agreement with Marion B. Borg Environmental Consulting for “as needed” planning and environmental services on land development projects that would be both developer funded and grant funded.

7. COMMUNICATION FROM THE PUBLIC:

Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the Agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

8. CITY MANAGER REPORTS:**9. CDC SUCCESSOR AGENCY:****(A) Resolution amending professional services agreements for Tax Allocation Refunding Bonds Financial Advisor and Disclosure Counsel.**Recommendation:

Adopt the Resolution amending the professional services agreements with KNN Public Finance financial advisory services and Quint & Thimmig LLP for disclosure counsel services.

10. SANTEE PUBLIC FINANCING AUTHORITY:**11. CITY ATTORNEY REPORTS:****12. CLOSED SESSION:****(A) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): one case

Name of Case: Claim filed by Michael Moore pursuant to the Government Claims Act.

(B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): one case

Name of Case: Claim filed by Jason Browning pursuant to the Government Claims Act.

13. ADJOURNMENT:



Oct	06	SPARC	Civic Center Building 7
Oct	10	Community Oriented Policing Committee	Council Chamber
Oct	12	City Council Meeting	Council Chamber
Oct	26	City Council Meeting	Council Chamber
Nov	03	SPARC	Civic Center Building 7
Nov	09	City Council Meeting	Council Chamber
Nov	14	Community Oriented Policing Committee	Council Chamber

The Santee City Council welcomes you and encourages your continued interest and involvement in the City’s decision-making process.

For your convenience, a complete Agenda Packet is available for public review at City Hall and on the City’s website at www.CityofSanteeCA.gov.

The City of Santee complies with the Americans with Disabilities Act. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the American with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk’s Office at (619) 258-4100, ext. 112 at least 48 hours before the meeting, if possible.

State of California } County of San Diego } ss. City of Santee }	<h3>AFFIDAVIT OF POSTING AGENDA</h3>
I, <u>Patsy Bell, CMC, City Clerk</u> of the City of Santee, hereby declare, under penalty of perjury, that a copy of this Agenda was posted in accordance with the Brown Act and Santee Resolution 61-2003 on <u>October 7, 2016</u> , at <u>4:30 p.m.</u>	
_____ Signature	<u>10/07/16</u> Date

City of Santee
COUNCIL AGENDA STATEMENT

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE APPROVAL OF MEETING MINUTES OF THE SANTEE CITY COUNCIL,
THE CDC SUCCESSOR AGENCY AND THE SANTEE PUBLIC
FINANCING AUTHORITY REGULAR MEETINGS OF SEPTEMBER 14,
2016.

DIRECTOR/DEPARTMENT Patsy Bell, CMC, City Clerk *PB*

SUMMARY

Submitted for your consideration and approval are the minutes of the above meetings.

FINANCIAL STATEMENT N/A

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION

Approve Minutes as presented.

ATTACHMENTS

September 14, 2016 Minutes

Minutes

Draft

**Santee City Council
CDC Successor Agency
Santee Public Financing Authority**

**Council Chambers
10601 Magnolia Avenue
Santee, California
September 14, 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/Agency/Authority Chair Randy Voepel at 7:01 p.m.

Council Members present were: Mayor/Agency/Authority Chair Randy Voepel, Vice Mayor/Agency/Authority Vice Chair Jack E. Dale and Council/Agency/Authority Members Ronn Hall and John Minto. Council/Authority Member Rob McNelis entered the meeting at 7:02 p.m.

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

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

The **INVOCATION** was given by Reverend Frank Placone-Willey of Summit Unitarian Church, and the **PLEDGE OF ALLEGIANCE** was led by VFW Auxiliary member Paige Dilione.

PRESENTATION: Jack E. Dale Cup presentation: Varsity football game between Santana & West Hills High Schools

Vice Mayor Jack E. Dale presented the trophy to Assistant Principal Josh Reiderer of West Hills High School.

Vice Mayor Dale recognized former Council Member Mike Clark and his wife, former School Board Member Jan Clark, who were in attendance.

PROCLAMATION: Storm Water Awareness Week September 26-30, 2016: Clean Water, Healthy Community

Vice Mayor Jack E. Dale presented the proclamation to Stormwater Program Manager Cecilia Tipton and David Gibson of the San Diego Regional Water Control Board.

Draft

PRESENTATION: Dedication of 2016 Pierce Fire Engine

Chief Smith spoke regarding the new 2016 Pierce Fire Engine and it was officially placed into service.

PROCLAMATION: Prostate Cancer Awareness Month is September 2016

Council Member Minto presented the proclamation to Santee resident Chad Little, who spoke regarding prostate cancer awareness.

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

Mayor Voepel requested that Item 9(A) be reordered to follow Council Reports.

1. CONSENT CALENDAR:

- (A) Approval of reading by title only and waiver of reading in full of Ordinances and Resolutions on the agenda.
- (B) Approval of meeting minutes of the Santee City Council, the CDC Successor Agency and the Santee Public Financing Authority for the Regular Meetings of August 24, 2016.
- (C) Approval of Payment of Demands as presented.
- (D) Adoption of a Resolution amending the City's Conflict of Interest Code pursuant to the Political Reform Act of 1974. (Reso 089-2016)

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

2. PUBLIC HEARING: None

3. ORDINANCES: None

4. CITY COUNCIL ITEMS AND REPORTS:

- (A) Request for a waiver of fees associated with the processing of an application for a Conditional Use Permit submitted by Post 9327 of the Veterans of Foreign Wars (VFW). (Voepel)

Mayor Voepel presented a brief report.

PUBLIC SPEAKERS: Submitting speaker slips in support, but not speaking, were CJ Walker, Marjorie Dege and Eugene Michonski.

Draft

ACTION: On motion of Council Member McNelis, seconded by Council Member Minto, the authorization to waive all fees associated with the processing of a Conditional Use Permit for the VFW for their move to 8516 Magnolia Avenue was approved with all voting aye.

The following item was reordered to follow Council Reports:

9. **CDC SUCCESSOR AGENCY:**

- (A) **Resolution confirming the issuance of refunding bonds in order to refund certain outstanding bonds of the former Community Development Commission of the City of Santee, approving the execution and delivery of a bond purchase agreement, continuing disclosure certificate and preliminary and final official statements relating thereto, designating officers, and providing for other matters properly relating thereto. (Reso CDCSA 004-2016)**

Finance Director Tim McDermott 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 confirming the issuance of refunding bonds and approving the execution and delivery of a bond purchase agreement, continuing disclosure certificate and preliminary and final official statements relating thereto, designating officers, and providing for other matters properly relating thereto was adopted with all voting aye.

5. **CONTINUED BUSINESS:** None

6. **NEW BUSINESS:**

- (A) **Resolution authorizing the extension of the professional services agreement with Dokken Engineering for "as needed" engineering services on capital improvement and land development projects. (Reso 090-2016)**

Principal Civil Engineer Carl Schmitz provided a brief staff report.

ACTION: On motion of Council Member McNelis, seconded by Council Member Minto, the Resolution authorizing the City Manager to execute a 2-year extension to the professional services agreement with Dokken Engineering for "as needed" engineering services on capital improvement and land development projects not to exceed \$700,000 per fiscal year and authorizing the Director of Development Services to negotiate and issue task orders to complete the desired work was adopted with all voting aye.

(B) State Route 52 Corridor Study.

Principal Traffic Engineer Minjie Mie provided the staff report utilizing a PowerPoint presentation and answered Council's questions regarding traffic, public transit and development.

After further discussion and final comments, the report was noted and filed.

(C) Authorize payment to the County of San Diego for the City's share of the Next Generation Regional Communication System (NextGen RCS).

Assistant to the City Manager Kathy Valverde provided a brief staff report.

ACTION: On motion of Council Member McNelis, seconded by Council Member Minto, the payment to the County of San Diego for the City's share of the Next Generation Regional Communication System was authorized with all voting aye.

(D) Authorize the City Manager to execute an agreement with Grossmont Union High School District for cost sharing of two School Resource Officers at Santana and West Hills High Schools.

Assistant to the City Manager Kathy Valverde provided a brief staff report.

ACTION: On motion of Council Member Minto, seconded by Council Member Hall, the City Manager was authorized to execute an agreement with Grossmont Union High School District for cost sharing of two School Resource Officers at Santana and West Hills High Schools with all voting aye.

7. COMMUNICATION FROM THE PUBLIC:

The following Medina Street residents expressed concerns with the Castlerock development project that is being built behind their homes:

- Suzanne Sardina, who additionally provided photographs
- Phil Simon
- Jean Toscano
- Oscar Toscano
- Peggy Robinson
- Karen Galloway

During discussion, City Attorney Hagerty answered Council's questions regarding the project's noticing and approval processes, the City's authority level, and provisions contained in the annexation agreement. He further reminded Council that because this is a non-agendized item, Council may wish to have this item be placed on a future agenda where Council can fully discuss the project. With Council concurrence, staff was directed to place this matter on a future agenda and invite Pardee representatives.

Draft

8. CITY MANAGER REPORTS:

City Manager Best spoke regarding community events and commended Pamela White on her 31 years of service to the City.

9. CDC SUCCESSOR AGENCY:

(A) This item was re-ordered to be heard after the Council reports.

10. SANTEE PUBLIC FINANCING AUTHORITY:

(Note: Minutes appear as Item 1B)

11. CITY ATTORNEY REPORTS: None

Council Members recessed at 9:09 p.m. and convened in Closed Session at 9:20 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 Representative: Mayor

Unrepresented Employee: City Treasurer

(C) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

(Government Code section 54956.9)

Consideration pursuant to Government Code section 54956.9(d)(4) of whether to initiate litigation: One case involving the County of San Diego's compliance with the California Environmental Quality Act in connection with the proposed development of an Assessor/Recorder/County Clerk's Branch Office and Archives on County-owned property located at approximately 10135 Mission Gorge Road.

Draft

Council Members reconvened in Open Session at 9:44 p.m. with all Members present. Mayor Voepel reported that for Item 12(A) on a vote of 3-2 with Council Members McNelis and Dale voting no, the Council approved the terms of a new Memorandum of Understanding with the Santee Firefighters Association and authorized the Mayor or his designee to sign the agreement; on Items 12(B) and 12(C), no action was taken.

13. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:45 p.m.

Date Approved: October 12, 2016

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

City of Santee
COUNCIL AGENDA STATEMENT

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE PAYMENT OF DEMANDS

DIRECTOR/DEPARTMENT Tim K. McDermott, Director of Finance *TM*

SUMMARY

A listing of checks that have been disbursed since the last Council meeting is submitted herewith for approval by the City Council.

FINANCIAL STATEMENT *TM*

Adequate budgeted funds are available for the payment of demands per the attached listing.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *MDB*

Approval of the payment of demands as presented.

ATTACHMENTS (Listed Below)

- 1) Payment of Demands-Summary of Checks Issued
- 2) Disbursement Journal

Bank code : ubgen									
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount			
113221	9/21/2016	11445 AMERICAN MESSAGING	L1072898QI		FD PAGER SERVICE	172.02			
					Total :	172.02			
113222	9/21/2016	11419 ANALYTICAL CHEMISTS INC	36507-A	51463	EQUIPMENT TESTING	95.00			
					Total :	95.00			
113223	9/21/2016	10516 AWARDS BY NAVAJO	8161151		NAME PLATE	4.95			
					Total :	4.95			
113224	9/21/2016	10062 BATHRICK, FRANK T	09152016A		COMMISSION STIPEND	50.00			
					Total :	50.00			
113225	9/21/2016	10021 BOUND TREE MEDICAL LLC	82253425	51486	EMS SUPPLIES	127.59			
			82253426	51486	EMS SUPPLIES	75.24			
			82253427	51516	PHARMACEUTICALS	26.88			
			82258164	51486	EMS SUPPLIES	37.34			
			82258165	51486	EMS SUPPLIES	18.68			
			82259260	51486	EMS SUPPLIES	191.33			
					Total :	477.06			
113226	9/21/2016	11863 BRADLEY, NICK	09152016B		COMMISSION STIPEND	50.00			
					Total :	50.00			
113227	9/21/2016	10032 CINTAS CORPORATION #694	694250754	51489	UNIFORM/PARTS CLEANER RNTL	60.17			
					Total :	60.17			
113228	9/21/2016	11173 CITY OF SAN DIEGO	1000173639		ANNUAL AED SRVC AGREEMENT	200.00			
					Total :	200.00			
113229	9/21/2016	12153 CORODATA RECORDS	RS4261053		DOCUMENT RETRIEVAL	149.90			
					Total :	149.90			
113230	9/21/2016	10358 COUNTY OF SAN DIEGO	17SANTENGRCS01		NEXTGEN RCS INFRASTRUCTURE	786,450.97			
					Total :	786,450.97			
113231	9/21/2016	10486 COUNTY OF SAN DIEGO	201600336		ASSESSORS MAP COPIES	2.00			

Voucher List
CITY OF SANTEE

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
113231	9/21/2016	10486	10486 COUNTY OF SAN DIEGO	(Continued)			
113232	9/21/2016	10040	COUNTYWIDE MECHANICAL SYSTEMS 4304R	4304 4304R	51580	CITY HALL HVAC REPLACEMENT RETENTION	Total : 2.00 339,738.06 -16,986.90 322,751.16
113233	9/21/2016	10333	COX COMMUNICATIONS	052335901		8950 COTTONWOOD AVE	Total : 256.59 256.59
113234	9/21/2016	10300	CTS LANGUAGE LINK	100839		NOTICE OF NOMINEES	Total : 640.00 640.00
113235	9/21/2016	12465	CUYAMACA ANIMAL HOSPITAL	CD16025S		REFUNDABLE DEPOSIT	Total : 1,411.55 1,411.55
113236	9/21/2016	10043	D & D SERVICES INC	13234	51556	DEAD ANIMAL REMOVAL	Total : 1,235.00 1,235.00
113237	9/21/2016	11418	DAMOOR, KESHAV	09152016C		COMMISSION STIPEND	Total : 50.00 50.00
113238	9/21/2016	10195	DION INTERNATIONAL TRUCKS LLC	01SDW1249	51469	VEHICLE REPAIR	Total : 884.98 884.98
113239	9/21/2016	10057	ESGIL CORPORATION	09/05/16-09/09/16		SHARE OF FEES	Total : 11,739.20 11,739.20
113240	9/21/2016	11835	FASTAIRE HAND DRYLER INC	HD3129	51606	HAND DRYER PARTS	Total : 57.68 57.68
113241	9/21/2016	10251	FEDERAL EXPRESS	5-539-92926		SHIPPING CHARGES	Total : 29.62 29.62
113242	9/21/2016	11433	FERNANDEZ, JANET	SUMMER 2016	51433	TUITION REIMBURSEMENT	Total : 600.00 600.00
113243	9/21/2016	10065	GLOBAL POWER GROUP INC	45368	51437	STATIONARY GENERATOR REPAIR	Total : 224.95 224.95

Voucher List
CITY OF SANTEE

Bank code :	ubgen										
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount					
113244	9/21/2016	10600 HINDERLITER, DE LLAMAS & ASSOC	0025985-IN (1) 0025985-IN (2)	51581	SVC-SALES TAX 3RD QTR 2016 AUDIT-SALES TAX QTR 1 2016	1,350.00 1,249.94 2,599.94					
113245	9/21/2016	10256 HOME DEPOT CREDIT SERVICES	1151912	51514	VEHICLE REPAIR PARTS	11.19					
113246	9/21/2016	10075 IRON MOUNTAIN INFO MGMT INC	201052031		DATA STORAGE	11.19					
113247	9/21/2016	11428 JUDGE NETTING INC	0119-16215 0119-16215R	51597	TCCP WEST SAFETY NETTING RETENTION	197.39 197.39					
113248	9/21/2016	10203 LAKESIDE EQUIPMENT SALES &	130491	51439	PROSPECT AVE-SIDEWALK PANEL	50,800.00 -2,540.00 48,260.00					
113249	9/21/2016	10079 MEDICO PROFESSIONAL	1857970 1857971	51497 51497	MEDICAL LINEN SERVICE MEDICAL LINEN SERVICE	447.12 447.12					
113250	9/21/2016	11996 MES - MUNICIPAL EMERGENCY SVCS	IN1057028	51598	FIREFIGHTER TURNOUTS	20.02 11.62 31.64					
113251	9/21/2016	12397 MHZ COMMUNICATIONS	216083102	51545	COMMAND VEHICLE RADIO	4,847.04 4,847.04					
113252	9/21/2016	12463 MOYNIHAN, RENEE	2003403.001		REFUND OF RECREATION FEES	3,132.73 3,132.73					
113253	9/21/2016	10085 NATIONAL SAFETY COMPLIANCE INC	67037		RANDOM DRUG TESTING	79.13 79.13					
113254	9/21/2016	10308 O'REILLY AUTO PARTS	2968-495546	51476	VEHICLE REPAIR PARTS	124.72 124.72					
113255	9/21/2016	10344 PADRE DAM MUNICIPAL WATER DIST	21105559 24206565		9170 VIA DE CRISTINA 10580 PROSPECT AVE	20.63 20.63 38.89 270.69					

Voucher List
CITY OF SANTEE

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
113255	9/21/2016	10344 PADRE DAM MUNICIPAL WATER DIST		(Continued)			
				24206698		10541 PROSPECT AVE	846.52
				24218157		10054 PROSPECT AVE	295.02
				24218344		10027 PROSPECT AVE	346.99
				90000366		GROUP BILL	62,027.37
				90000367		GROUP BILL	34,374.21
						Total :	98,199.69
113256	9/21/2016	10150 PROBUILD		14-0138710	51446	SUPPLIES	48.89
						Total :	48.89
113257	9/21/2016	12062 PURETEC INDUSTRIAL WATER		1505989	51479	DEIONIZED WATER SERVICE	90.00
						Total :	90.00
113258	9/21/2016	10097 ROMAINE ELECTRIC CORPORATION		12-035700	51543	VEHICLE SUPPLIES	275.50
				12-035736	51543	VEHICLE SUPPLIES	188.56
						Total :	464.06
113259	9/21/2016	10585 SHARP REES-STEALY MEDICAL		299113503		FFPM PREPLACEMENT PHYSICAL	52.00
				299113504		FFPM PREPLACEMENT PHYSICAL	93.00
				299122677		FFPM PREPLACEMENT PHYSICAL	52.00
				299122678		FFPM PREPLACEMENT PHYSICAL	294.00
				299123118		FFPM PREPLACEMENT PHYSICAL	294.00
				299123119		FFPM PREPLACEMENT PHYSICAL	52.00
				299123924		FFPM PREPLACEMENT PHYSICAL	294.00
				299123925		FFPM PREPLACEMENT PHYSICAL	52.00
				299134810		FFPM PREPLACEMENT PHYSICAL	294.00
				299212922		TB TESTING	36.00
						Total :	1,513.00
113260	9/21/2016	10217 STAPLES BUSINESS ADVANTAGE		3312534294	51558	OFFICE SUPPLIES	297.90
				3312997168	51504	OFFICE SUPPLIES	14.25
				3312997176	51504	OFFICE SUPPLIES	315.09
						Total :	627.24
113261	9/21/2016	10119 STEVEN SMITH LANDSCAPE INC		33579	51596	IRRIGATION REPAIRS	110.00
				33580	51596	IRRIGATION REPAIRS	110.00

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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113271 9/21/2016 10797 10797 WILSON, LEE (Continued)

51 Vouchers for bank code : ubgen

51 Vouchers in this report

Total : 50.00
Bank total : 1,295,727.07
Total vouchers : 1,295,727.07

Prepared by: Nicoles
Date: 9-21-16
Approved by: [Signature]
Date: 9-21-16

Voucher List
CITY OF SANTEE

Bank code : ubqen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
113272	9/28/2016	12083 ANIMAL PEST MANAGEMENT	401183	51537	PEST CONTROL	75.00
			401225	51537	PEST CONTROL	120.00
					Total :	195.00
113273	9/28/2016	10262 AUSTIN, ROY	OCT-DEC 2016		RETIREE HEALTH INSURANCE	1,086.93
					Total :	1,086.93
113274	9/28/2016	10264 BELL, HARRY	OCT-DEC 2016		RETIREE HEALTH INSURANCE	779.40
					Total :	779.40
113275	9/28/2016	10020 BEST BEST & KRIEGER LLP	LEGAL AUG 2016		LEGAL SERVICES AUG 2016	46,928.63
					Total :	46,928.63
113276	9/28/2016	11513 BOND, ELLEN	10012017-263		MEADOWBROOK HARDSHIP PGRIV	28.27
					Total :	28.27
113277	9/28/2016	10021 BOUND TREE MEDICAL LLC	82219584	51516	PHARMACEUTICALS	8.19
			82226284	51486	EMS SUPPLIES	101.95
			82226285	51516	PHARMACEUTICALS	67.99
			82227439	51486	EMS SUPPLIES	363.86
			82227440	51486	EMS SUPPLIES	575.37
			82227441	51486	EMS SUPPLIES	837.01
			82259261	51486	EMS SUPPLIES	1,183.56
			82261074	51486	EMS SUPPLIES	1,215.68
			82261075	51516	PHARMACEUTICALS	81.89
			82261076	51516	PHARMACEUTICALS	755.97
			82261077	51486	EMS SUPPLIES	242.17
			82261078	51516	PHARMACEUTICALS	260.45
			82261079	51516	PHARMACEUTICALS	523.51
			82261080	51516	PHARMACEUTICALS	503.98
			82261081	51486	EMS SUPPLIES	1,381.81
			82261082	51486	EMS SUPPLIES	56.52
					Total :	8,159.91
113278	9/28/2016	10023 BUILDERS FENCE COMPANY INC	1608005	51620	FENCE SUPPLIES	62.24
					Total :	62.24

Voucher List
CITY OF SANTEE

Bank code : ubgen											
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount					
113279	9/28/2016	11169 CALIFORNIA WATERS LLC	16590	51522	FOUNTAIN MAINT & REPAIRS	2,474.00					
			17036	51522	FOUNTAIN REPAIRS	1,827.00					
					Total :	4,301.00					
113280	9/28/2016	10876 CANON SOLUTIONS AMERICA INC	988734244	51549	PLOTTER MAINT & USAGE	32.55					
			988734245	51549	SCANNER MAINTENANCE	60.09					
					Total :	92.64					
113281	9/28/2016	11402 CARROLL, JUDI	10012016-96		MEADOWBROOK HARDSHIP PGRM	28.53					
113282	9/28/2016	10032 CINTAS CORPORATION #694	694253246	51489	UNIFORM/PARTS CLEANER RNTL	77.97					
					Total :	77.97					
113283	9/28/2016	11409 CLAYTON, SYLVIA	10012016-340		MEADOWBROOK HARDSHIP PGRM	29.65					
113284	9/28/2016	11330 CLEANSTREET	83417	51591	STREET SWEEPING	14,876.64					
					Total :	14,876.64					
113285	9/28/2016	10268 COOPER, JACKIE	OCTOBER 1, 2016		RETIREE HEALTH PAYMENT	91.00					
113286	9/28/2016	10358 COUNTY OF SAN DIEGO	17CTOFSAN02		SHERIFF RADIOS	4,345.00					
					Total :	4,345.00					
113287	9/28/2016	10358 COUNTY OF SAN DIEGO	17CTOFSASN02	51619	800 MHZ ACCESS (FIRE/PS)	1,485.00					
					Total :	1,485.00					
113288	9/28/2016	10486 COUNTY OF SAN DIEGO	201600630		RECORDED DOCUMENT	2.00					
					Total :	2.00					
113289	9/28/2016	10040 COUNTYWIDE MECHANICAL SYSTEMS	P16068034	51626	PLUMBING REPAIRS	492.26					
			P16068082	51626	PLUMBING REPAIRS	242.78					
					Total :	735.04					
113290	9/28/2016	10333 COX COMMUNICATIONS	063453006		9534 VIA ZAPADOR	323.68					
			066401501		10601 N MAGNOLIA AVE	37.71					

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
113290	9/28/2016	10333 COX COMMUNICATIONS	(Continued)				
			112256001			9130 CARLTON OAKS DR	161.61
113291	9/28/2016	11714 GARHARTT, DUSTYN	08012016			EMPLOYEE REIMBURSEMENT	Total : 523.00
113292	9/28/2016	10065 GLOBAL POWER GROUP INC	45117	51437		GENERATOR MAINTENANCE	270.00
			45118	51567		ELECTRICAL REPAIRS	360.00
			45143	51437		GENERATOR PM SERVICE	74.00
			45176	51567		ELECTRICAL REPAIRS	1,540.65
						Total :	2,244.65
113293	9/28/2016	11196 HD SUPPLY FACILITIES	9148387817	51492		SHOP SUPPLIES	90.52
			9148420457	51492		SHOP SUPPLIES	16.50
						Total :	107.02
113294	9/28/2016	10256 HOME DEPOT CREDIT SERVICES	0152080	51514		STATION SUPPLIES	10.77
			1971731	51514		STATION SUPPLIES	63.53
			2971723	51514		STATION SUPPLIES	61.40
			3152058	51514		VEHICLE SUPPLIES	6.22
			4152040	51514		STATION SUPPLIES	38.75
						Total :	180.67
113295	9/28/2016	10271 HORAN, BERNICE	OCTOBER 1, 2016			RETIREE HEALTH PAYMENT	91.00
						Total :	91.00
113296	9/28/2016	12386 HORIZONS CONSTRUCTION COMPANY	2	51535		VIA DE CRISTINA PARK	83,262.63
			2R			RETENTION	-4,163.13
						Total :	79,099.50
113297	9/28/2016	12440 INSIGHT PUBLIC SECTOR INC	1100494497	51593		MDC FOR NEW TILLER	3,893.02
						Total :	3,893.02
113298	9/28/2016	10272 JENKINS, CARROLL	OCT-DEC 2016			RETIREE HEALTH INSURANCE	2,299.50
						Total :	2,299.50
113299	9/28/2016	10406 LA PRENSA SAN DIEGO	1694			NOTICE OF NOMINEES	108.00

Voucher List
CITY OF SANTEE

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
113299	9/28/2016	10406	10406 LA PRENSA SAN DIEGO	(Continued)			Total : 108.00
113300	9/28/2016	12458	LEE C. ARTER	09/01/16 - 3		CLAIM SETTLEMENT	1,000.00
				09/01/2016 - 1		CLAIM SETTLEMENT	4,779.79
							Total : 5,779.79
113301	9/28/2016	10174	LN CURTIS AND SONS	INV50117	51612	WET VACUUM	1,609.54
							Total : 1,609.54
113302	9/28/2016	11986	MARION B BORG ENVIRONMENTAL	SANTEEE01-32	51024	PROF SVCS - FANITA RANCH	3,605.00
				SANTEEE03-12		PROF SVCS - WALMART EXP	805.00
				SANTEEE04-06		PROF SVCS - CALVARY CHAPEL	1,400.00
							Total : 5,810.00
113303	9/28/2016	12461	MARSHALL DJ SERVICES	093016		DJ SERVICES FOR TEEN DANCE	395.00
							Total : 395.00
113304	9/28/2016	10079	MEDICO PROFESSIONAL	1861371	51497	MEDICAL LINEN SERVICE	23.48
				1861372	51497	MEDICAL LINEN SERVICE	11.62
							Total : 35.10
113305	9/28/2016	10083	MUNICIPAL EMERGENCY SERVICES	IN1057675	51635	ADD-ON EQUIPMENT	300.32
				IN1058229	51635	ADD-ON EQUIPMENT	173.99
				IN1058563	51635	ADD-ON EQUIPMENT	477.63
				IN1062335	51635	ADD-ON EQUIPMENT	85.12
							Total : 1,037.06
113306	9/28/2016	10308	O'REILLY AUTO PARTS	2968-496473	51476	VEHICLE SUPPLIES	8.09
				2968-497222	51476	VEHICLE REPAIR PARTS	9.53
							Total : 17.62
113307	9/28/2016	11539	PALM ENGINEERING CONSTRUCTION	3	51367	MAST BLVD MEDIAN PROJECT	108,058.61
				3R		RETENTION	-5,402.93
							Total : 102,655.68
113308	9/28/2016	11442	PATTERSON, LUANNE	10012016-225		MEADOWBROOK HARDSHIP PGRM	27.35
							Total : 27.35

Voucher List
CITY OF SANTEE

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
113309	9/28/2016	10241 JAN SHERAR	09/23/16		PETTY CASH REIMB - DDS	259.15
					Total :	259.15
113310	9/28/2016	10161 PRIZM JANITORIAL SERVICES INC	10352	51574	JANITORIAL - PARKS	1,973.85
					Total :	1,973.85
113311	9/28/2016	10101 PROFESSIONAL MEDICAL SUPPLY	Z986089	51499	OXYGEN CYLINDERS & REFILLS	55.02
			Z986090	51499	OXYGEN CYLINDERS & REFILLS	201.04
			Z986091	51499	OXYGEN CYLINDERS & REFILLS	63.21
			Z986092	51499	OXYGEN CYLINDERS & REFILLS	190.68
					Total :	509.95
113312	9/28/2016	10095 RASA	5015	51589	MAP CHECK	1,700.00
					Total :	1,700.00
113313	9/28/2016	12237 RAYON, KYLE	OCTOBER 1, 2016		RETIREE HEALTH PAYMENT	91.00
					Total :	91.00
113314	9/28/2016	12256 ROE, DARLENE	10012016-318		MEADOWBROOK HARDSHIP PGRN	28.73
					Total :	28.73
113315	9/28/2016	10097 ROMAINE ELECTRIC CORPORATION	12-035606	51543	VEHICLE SUPPLIES	192.20
					Total :	192.20
113316	9/28/2016	10606 S.D. COUNTY SHERIFF'S DEPT.	09012016		CAL-ID PROGRAM COSTS	5,494.00
					Total :	5,494.00
113317	9/28/2016	10407 SAN DIEGO GAS & ELECTRIC	0422 970 321 8		STREET LIGHTS	29,638.71
			2237 358 004 2		TRAFFIC SIGNAL	4,444.13
			8509 742 169 4		CITY HALL GROUP BILL	9,553.70
					Total :	43,636.54
113318	9/28/2016	10212 SANTEE SCHOOL DISTRICT	2016-1	51539	TEEN CENTER TRANSPORTATION	440.00
					Total :	440.00
113319	9/28/2016	10768 SANTEE SCHOOL DISTRICT	7562	51562	IRRIGATION/MOWING RIO SECO	382.07
			7563	51563	1/3 SHARED WATER-JULY 2016	676.72

Voucher List
CITY OF SANTEE

Bank code :	ubgen			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
113319	9/28/2016	10768	10768 SANTEE SCHOOL DISTRICT				
113320	9/28/2016	10422	SCST, INC	375350	51406	MAST BLV / JEREMY ST MEDIAN	Total : 1,058.79
113321	9/28/2016	10110	SECTRAN SECURITY INC	16090330	51501	TRANSPORT SERVICES	Total : 5,235.00 5,235.00
113322	9/28/2016	12223	SITEONE LANDSCAPE SUPPLY LLC	77435431 77444980 77487034 77516116	51557 51557 51557	IRRIGATION SUPPLIES IRRIGATION SUPPLIES IRRIGATION SUPPLIES BLUEGRASS FESTIVAL	Total : 110.25 110.25 347.82 47.98 61.66 29.18 486.64
113323	9/28/2016	11403	ST. JOHN, LYNNE	10012016-78		MEADOWBROOK HARDSHIP PGRM	Total : 28.40 28.40
113324	9/28/2016	10217	STAPLES BUSINESS ADVANTAGE	3313739483 3313825886 3313825887 3313825892 3314035218 3314179350 3314269541	51558 51587 51575 51587 51504 51575 51555	OFFICE SUPPLIES CREDIT OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES	Total : 108.55 -34.02 24.07 309.72 187.70 141.79 255.92 993.73
113325	9/28/2016	10027	STATE OF CALIFORNIA	186085		FINGERPRINTING CHARGES	Total : 32.00 32.00
113326	9/28/2016	10624	STATE OF CALIFORNIA	CPA 59428		CPA LICENSE RENEWAL	Total : 120.00 120.00
113327	9/28/2016	10572	SUNBELT RENTALS INC	62790542-001 62986198-001 63124490-001	51528 51528 51528	WATER TRUCK RENTAL WATER TRUCK RENTAL WATER TRUCK RENTAL	Total : 134.11 134.11 134.11 402.33
113328	9/28/2016	10121	SUPERIOR READY MIX LP	810895	51565	ASPHALT SUPPLIES	Total : 194.40

Voucher List
CITY OF SANTEE

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
113328	9/28/2016	10121 SUPERIOR READY MIX LP	(Continued) 811010	51565	ASPHALT SUPPLIES	120.96
					Total :	315.36
113329	9/28/2016	10250 THE EAST COUNTY	00045255		NOTICE OF NOMINEES	73.50
					Total :	73.50
113330	9/28/2016	10536 THE FILIPINO PRESS INC	4847-16		NOTICE OF NOMINEES	75.00
					Total :	75.00
113331	9/28/2016	12457 THE RAWLINGS COMPANY LLC	09/01/16 - 2		CLAIM SETTLEMENT	220.21
					Total :	220.21
113332	9/28/2016	10158 THE SOCO GROUP INC	0304630-IN 0306834-IN 0315726-IN CL80042	51519 51519 51519 51505	DELIVERED FUEL DELIVERED FUEL DELIVERED FUEL FLEET CARD FUELING	625.82 137.84 527.75 658.91
					Total :	1,950.32
113333	9/28/2016	10642 USPS-HASLER	09132016		POSTAGE REIMBURSEMENT	2,045.69
					Total :	2,045.69
113334	9/28/2016	10475 VERIZON WIRELESS	9771801873		CELL PHONE SERVICE (619) 219-9	1,612.95
					Total :	1,612.95
113335	9/28/2016	10148 WESTAIR GASES & EQUIPMENT INC	10358700 10359932 10360778 10362496	51460 51460 51460 51460	WELDING SHOP SUPPLIES WELDING SHOP SUPPLIES WELDING SHOP SUPPLIES WELDING SHOP SUPPLIES	43.94 135.36 201.38 30.98
					Total :	411.66
113336	9/28/2016	10537 WETMORES	63059021	51507	VEHICLE REPAIR PART	247.86
					Total :	247.86
113337	9/28/2016	10317 WM HEALTHCARE SOLUTIONS INC	0341919-2793-7 0341920-2793-5	51509 51509	BIOMEDICAL WASTE DISPOSAL BIOMEDICAL WASTE DISPOSAL	90.12 90.05
					Total :	180.17

Voucher List
CITY OF SANTEE

Bank code : ubgen

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
113338	9/28/2016	10232 XEROX CORPORATION	086053223	51534	COPY CHARGES	83.75
			086053224	51533	COPY CHARGES	228.30
			086053225	51511	COPY CHARGES	86.63
			086053226	51461	COPY CHARGES & LEASE	260.38
			086053227	51531	COPY CHARGES & LEASE	141.12
			086053228	51578	COPY CHARGES & LEASE	318.84
			086053229	51532	COPY CHARGES & LEASE	212.91
			086053230	51529	COPY CHARGES & LEASE	235.37
			086144100	51510	COPY CHARGES & LEASE	195.94
			086144101	51530	COPY CHARGES	110.27
					Total :	1,873.51

113339 9/28/2016 10318 ZOLL MEDICAL CORPORATION

51521 EMS SUPPLIES

2421577

Total :

396.90

68 Vouchers for bank code : ubgen

68 Vouchers in this report

Total :

396.90

Bank total :

361,631.04

Total vouchers :

361,631.04

Prepared by: *[Signature]*
Date: 9-28-16

Approved by: *[Signature]*
Date: 9-28-16

Voucher List
CITY OF SANTEE

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
113340	9/29/2016	10779 NATIONAL BENEFIT SERVICES LLC	PPE 09/21/16		FLEXIBLE SPENDING ACCOUNT	1,929.57
113341	9/29/2016	10353 PERS	09 16 4		RETIREMENT PAYMENT	103,860.81
113342	9/29/2016	10424 SANTEE FIREFIGHTERS	PPE 09/21/16		DUES/PEC/BENEVOLENT	103,860.81
113343	9/29/2016	10776 STATE OF CALIFORNIA	PPE 09/21/16		WITHHOLDING ORDER	2,729.12
113344	9/29/2016	10001 US BANK	PPE 09/21/2016		PARS RETIREMENT	267.69
113345	9/29/2016	10959 VANTAGE TRANSFER AGENT/457	PPE 09/21/16		ICMA - 457	771.58
113346	9/29/2016	10782 VANTAGEPOINT TRNSFR AGT/801801	PPE 09/21/16		RETIREE HEALTH SAVINGS ACCOL	29,758.25
7 Vouchers for bank code : ubgen						29,758.25
7 Vouchers in this report						3,815.24
Bank total :						143,132.26
Total vouchers :						143,132.26

Prepared by: M. Garcia
Date: 9-29-16

Approved by: [Signature]
Date: 9-29-16

City of Santee
COUNCIL AGENDA STATEMENT

1D

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE THREE CLAIMS AGAINST THE CITY BY AJAMU SHAW, JARED MURILLO BROWN AND DANIEL JOHNSON

DIRECTOR/DEPARTMENT Jessie Bishop, Director of Human Resources & Risk Management *JB*

SUMMARY

Three claims were filed against the City by Ajamu Shaw, Jared Murillo Brown and Daniel Johnson. The claims have been reviewed by the City Attorney and the Director of Human Resources and Risk Management and recommended for rejection prior to bringing them forward for consideration. The Director of Human Resources and Risk Management recommends the claims be rejected as provided in Government Code Section 913.

The claim documents are on file in the Office of the City Clerk for Council reference.

m
FINANCIAL STATEMENT There is no financial impact to the City by rejecting claims.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *KV for MB*

Reject claims as per Government Code Section 913.

ATTACHMENTS (Listed Below)

None.

City of Santee
COUNCIL AGENDA STATEMENT

2A

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE PUBLIC HEARING ON AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, AMENDING CHAPTER 9.74 OF THE SANTEE MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA

DIRECTOR/DEPARTMENT City Attorney

SUMMARY Chapter 9.74 of the Santee Municipal Code currently bans marijuana dispensaries, delivery services, and cultivation. On June 28, 2016, the Secretary of State Certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") for the November 8, 2016 ballot. If AUMA passes, some of its provisions will take effect on November 9, 2016. AUMA would immediately legalize possession, transport, purchase, use, and transfer of recreational marijuana for individuals 21 years of age or older. Under AUMA, adults could possess up to six living marijuana plants, and any marijuana produced by those plants. However, AUMA allows local agencies to prohibit marijuana businesses in the City, to prohibit outdoor cultivation, and to reasonably regulate indoor cultivation of marijuana.

On September 28, 2016, the City Council adopted an interim urgency ordinance intended to close any potential loopholes in the City's marijuana ban during the period between the November 9, 2016 AUMA effective date and the November 26, 2016 effective date of this proposed Ordinance. The interim urgency ordinance was intended to remain in effect only until the adoption of this Ordinance. This Ordinance would amend Chapter 9.74 to (1) update the definitions used in that chapter to comply with AUMA, (2) prohibit outdoor cultivation of marijuana, and (3) prohibit indoor cultivation of marijuana in a private residence, or in the event that AUMA passes, prohibit indoor cultivation in excess of the limitations imposed by AUMA. This Ordinance also authorizes the City Council to adopt, by later resolution, reasonable regulations on indoor cultivation of marijuana. The Ordinance continues the City's ban on all medical and commercial marijuana activity. Alternatively, the City could allow some of these uses, subject to City regulations. Options for such regulation are set forth in the Staff Report.

ENVIRONMENTAL REVIEW This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly.

m
FINANCIAL STATEMENT There is no financial impact from this action.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *MB WJPB*
1. Conduct the Public Hearing; and
2. Introduce the Ordinance for First Reading and schedule the Second Reading for the October 26, 2016 City Council meeting.

ATTACHMENTS 1) Staff Report 2) Ordinance

STAFF REPORT

PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 9.74 OF THE SANTEE MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA

The City's Municipal Code currently bans medical marijuana dispensaries, delivery services, and cultivation per Santee Municipal Code Chapter 9.74. On June 28, 2016, the Secretary of State Certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") for the November 8, 2016 ballot.

If AUMA passes, some of its provisions will take effect on November 9, 2016. AUMA would immediately legalize possession, transport, purchase, use, and transfer of recreational marijuana for individuals 21 years of age or older. Under AUMA, adults could possess up to 28.5 grams of marijuana, up to 8 grams of marijuana in the form of concentrated cannabis, which may be present in marijuana products such as edibles, and up to six living marijuana plants, and any marijuana produced by those plants. It would also legalize the cultivation of marijuana, marijuana delivery services, and recreational marijuana retail services.

However, AUMA allows for local control of marijuana uses. It will allow local governments to:

- Ban all marijuana-related businesses outright, including marijuana dispensaries, delivery services, and any recreational marijuana retail services.
- Ban outdoor cultivation of marijuana, unless the California Attorney General determines marijuana is no longer illegal under federal law (If marijuana is federally legalized, outdoor cultivation could be regulated, but not prohibited).
- Reasonably regulate indoor cultivation in private residences, but not ban it outright. AUMA would allow individuals to grow up to six marijuana plants in their home, and to possess all of the marijuana those plants provide.

On September 28, 2016, the City Council adopted an interim urgency ordinance to close any loopholes in the City's current ban and confirm the City's policy regarding marijuana. The interim ordinance was intended to remain in effect only until a regular ordinance is adopted. Staff recommends that the City Council now adopt the proposed Ordinance regulating personal, medical, and commercial use of marijuana so that the Santee Municipal Code properly regulates these issues in light of the potential passage of AUMA.

DISCUSSION

If AUMA becomes law, recreational use of marijuana will be legalized, as will recreational possession of marijuana and some level of indoor cultivation. The cultivation, transportation, and distribution of marijuana can create problems relating to public health and safety, crime, water and air quality, and energy consumption. Marijuana uses can create nuisance activity such as loitering and criminal activity in business and residential districts. Specifically mobile delivery can create issues relating to responsibility and

resources to monitor and enforce state law, questions of patient qualification, and risks relating to the high use of large sums of cash for mobile transactions. Cultivation can create air quality, energy, and water quality damage and impair building maintenance and safety. For example, the increased moisture necessary to grow indoors can create excessive mold growth and structural damage. Additionally, the equipment utilized to grow indoors can pose a risk of fire and electrical hazards due to dangerous electrical alterations and use. Further, inadequate ventilation combined with the use of pesticides and fertilizers in an enclosed space can lead to chemical contamination within structures.

Staff recommends that the City Council adopt an ordinance banning to the extent allowable (1) personal marijuana use and cultivation, (2) medical marijuana uses, and (3) commercial marijuana uses.

1) Regulation of Personal Marijuana Uses

As indicated above, passage of AUMA would legalize recreational use of marijuana. However, the Ordinance staff recommends includes a provision banning personal recreational use of marijuana to the extent such use is illegal under California law. If AUMA fails, the proposed ordinance would continue to ban all personal recreational use of marijuana in the City.

The City is also allowed to ban outdoor cultivation of marijuana entirely.¹ Alternatively, some cities are allowing outdoor cultivation with regulations such as:

- Outdoor, residential cultivation so long as plants are enclosed
- Property owner must approve of cultivation on the property; and
- Limiting the number of plants

If AUMA passes, the City cannot ban indoor cultivation of marijuana in private residences outright, but it may “reasonably regulate” such cultivation. The Ordinance staff recommends bans all indoor cultivation entirely to the extent allowed by California law, and bans indoor cultivation in all structures that are not private residences entirely. It also allows for indoor cultivation in private residences only up to the amount allowed by California law, imposing a six plant limit on indoor cultivation. Alternatively, the City could decline to regulate indoor cultivation entirely, or propose other regulations, such as:

- Indoor cultivation permits, which would allow the City to inspect and ensure all indoor cultivation areas comply with building code, fire code, and health and safety regulations
- Indoor cultivation for personal use only
- Indoor cultivation for commercial use with a business license
- Indoor cultivation with an alternative set of public welfare regulations imposed, but no permit required

¹ It should be noted that, should the City ban outdoor cultivation and recreational retail uses, it may be ineligible for some state grant funding as a result. However, the City will be eligible for other grant funding for similar uses should the City decide to apply.

2) Regulation of Medical Marijuana Uses

The Medical Marijuana Regulation and Safety Act (“MMRSA”) is left largely intact by AUMA, and so the potential for medical marijuana uses, including qualified patient or primary caregiver cultivation, still exists. The recommended ordinance would ban all medical marijuana cultivation, collectives, cooperatives, dispensaries, delivery services, operators, establishments, and providers. Alternatively, the City could:

- Create looser regulations for those who have a verified medical need to cultivate marijuana indoors or outdoors
- Allow dispensaries but limit the number allowed in the jurisdiction
- Allow dispensaries but impose separation requirements from parks, schools, churches, and other dispensaries
- Limit dispensaries to a specified zoning designation
- Impose security requirements including limiting the hours of operation of any dispensaries and prohibiting loitering.

3) Regulation of Commercial Marijuana Uses

If AUMA becomes law, it will likely lead to the creation of a variety of new commercial marijuana ventures, including recreational retail services. The Ordinance staff recommends bans all commercial marijuana activity, including commercial delivery, commercial cultivation, commercial manufacturing, commercial testing, and any commercial dispensaries or recreational retailers.² Alternatively, the City could allow some or all of these uses, with whatever regulations the City sees fit. Some other options include:

- Allowing commercial cultivation with a local tax imposed on growth
- Allowing some retailers with zoning limitations on location or number
- Allowing delivery to originate or terminate in the City

The City Attorney recommends adopting the proposed Ordinance amending Chapter 9.74 of the Santee Municipal Code to regulate the personal, medical, and commercial use of marijuana.

² As noted above, should the City ban outdoor cultivation and recreational retail uses, it may be ineligible for some state grant funding as a result. However, the City will be eligible for other grant funding for similar uses should the City decide to apply.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, AMENDING CHAPTER 9.74 OF THE SANTEE MUNICIPAL
CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL
USE OF MARIJUANA**

WHEREAS, the City of Santee, California (the "City") is a charter city, duly organized under the constitution, the Santee City Charter, and laws of the State of California; and

WHEREAS, California Government Code section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City passed Ordinance No. 538 on January 27, 2016; and

WHEREAS, on June 28, 2016, the Secretary of State certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"), for the November 8, 2016 ballot; and

WHEREAS, the AUMA would become law if a majority of the electorate votes "Yes" on the proposition; and

WHEREAS, the AUMA would regulate, among other items, the use of marijuana for personal and commercial purposes, including the recreational use of marijuana by adults over 21 years of age; and

WHEREAS, to regulate personal use of marijuana the AUMA would add Section 11362.1 to the Health and Safety Code, which makes it "lawful under state and local law" for persons 21 years of age or older to "possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever" up to 28.5 grams of marijuana in the form of concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis contained in marijuana products; and

WHEREAS, the AUMA would make it lawful for those individuals to "possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants; and

WHEREAS, the AUMA would make it lawful for those individuals to smoke or ingest marijuana or marijuana products; and

WHEREAS, should the AUMA pass, many of its provisions would take effect on November 9, 2016; and

ORDINANCE NO. _____

WHEREAS, to regulate commercial use of marijuana, the AUMA would add Division 10 (Marijuana) to the Business & Professions Code, which grants state agencies “the exclusive authority to create, issue, renew, discipline, suspend, or revoke” licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of marijuana; and

WHEREAS, the AUMA provides that the above state agencies shall promulgate rules and regulations and shall begin issuing licenses under Division 10 by January 1, 2018; and

WHEREAS, the AUMA states that a local jurisdiction shall not prevent transportation of marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with Division 10; and

WHEREAS, the AUMA would authorize cities to “reasonably regulate” without completely prohibiting cultivation of marijuana inside a private residence or inside an “accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, the AUMA would authorize cities to completely prohibit outdoor cultivation on the grounds of a private residence, up to and until a “determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law”; and

WHEREAS, the AUMA would authorize cities to completely prohibit the establishment or operation of any marijuana business licensed under Division 10 within its jurisdiction, including marijuana dispensaries, marijuana retailers, and marijuana delivery services; and

WHEREAS, absent appropriate local regulation authorized by the AUMA, state regulations will control; and

WHEREAS, the “Medical Marijuana Regulation and Safety Act” (“MMRSA”), which took effect January 1, 2016, regulates use of marijuana for medical purposes; and

WHEREAS, the MMRSA contains a provision which provides that the State shall become the sole authority for regulation under certain parts of the Act unless local governments pass their own regulations; and

WHEREAS, in May 2013, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013) that cities have the authority to regulate or ban outright medical marijuana land uses; and

WHEREAS, the California Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

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WHEREAS, under the Federal Controlled Substances Act, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants; including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing, and distribution uses; and

WHEREAS, the Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the City desires to continue to ban all marijuana dispensaries, cultivation, and delivery service land uses within the City to the extent allowed by California law; and

WHEREAS, on September 28, 2016, the City Council adopted Interim Urgency Ordinance No. 542 to confirm the City's policy regarding marijuana and to preemptively address some proposed changes to California law in the event AUMA passes on November 8, 2016; and

WHEREAS, Interim Urgency Ordinance No. 542 was intended to remain in effect only until a non-urgency ordinance would become effective; and

WHEREAS, this Ordinance would amend Chapter 9.74 to regulate the personal, medical and commercial use of marijuana in the City, and to address some of the proposed changes to California law in the event AUMA passes on November 8, 2016.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Santee hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance as if sully set forth herein.

ORDINANCE NO. _____

SECTION 2. The City Council of the City of Santee hereby amends Chapter 9.74 to read in its entirety as follows:

Chapter 9.74 Marijuana Uses.

9.74.010 Purpose.

The purpose of this Section is to regulate personal, medical, and commercial marijuana uses. Nothing in this Section shall preempt or make inapplicable any provision of state or federal law.

9.74.020 Definitions.

For purposes of this Title, the following definitions shall apply:

“Commercial marijuana activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

“Delivery” means the commercial transfer of marijuana or marijuana products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

“Distribution” means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.

“Licensee” means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

“Marijuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

(i) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or

(ii) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

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“Marijuana accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

“Marijuana products” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

“Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling.

“Sale” includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

9.74.030 Personal Use.

A. For purposes of this subsection, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent it is unlawful under California law.

B. Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

C. Indoor Cultivation.

1. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other

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permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

2. To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, in excess of the limitations imposed by Health and Safety Code Section 11362.2. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

3. The City Council may adopt, by later resolution, reasonable regulations on indoor cultivation of marijuana pursuant to Health and Safety Code Section 11362.2(b)(1).

9.74.040 Medical Use.

The cultivation of medical marijuana pursuant to Section 11362.77 of the California Health and Safety Code, the establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the cultivation of medical marijuana or the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

9.74.050 Commercial use.

A. The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:

1. The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;

2. The cultivation of marijuana;

3. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or

4. Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

ORDINANCE NO. _____

9.74.060 Penalty for Violations.

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Chapter 1.14 of this Municipal Code and/or under state law.

SECTION 3. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 10601 Magnolia Ave, Santee, CA 92071. The custodian of these records is the City Clerk.

SECTION 6. Restatement of Existing Law. Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this Ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements and continuations, and not as new enactments.

ORDINANCE NO. _____

SECTION 7. This Ordinance shall take effect thirty (30) days after its final passage and adoption. A summary of this Ordinance shall be published and a certified copy of the full text of this proposed Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which this proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of this Ordinance, the City Clerk is instructed to publish a summary of this Ordinance with the names of those City Council members voting for and against this Ordinance and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against this Ordinance or amendment at least until the day of such publication.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 12th day of October, 2016, and thereafter **ADOPTED**, at a Regular Meeting of the City Council held on the _____ day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

PATSY BELL, CMC, CITY CLERK

City of Santee
COUNCIL AGENDA STATEMENT

3A

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE **RECOMMENDATION FROM THE SALARY SETTING ADVISORY COMMITTEE REGARDING COMPENSATION FOR THE MAYOR AND CITY COUNCIL; REVIEW OF COMMITTEE BYLAWS; AND INTRODUCTION AND FIRST READING OF AN ORDINANCE REPEALING ORDINANCE 482 AND AMENDING SECTION 2.08.010 OF THE SANTEE MUNICIPAL CODE REGARDING COUNCIL SALARIES AND SECTION 2.08.020 REGARDING THE MAYOR'S SALARY**

DIRECTOR/DEPARTMENT Kathy Valverde, Assistant to the City Manager *KV*

SUMMARY

In accordance with the Santee City Charter, the Salary Setting Advisory Committee convened on September 15, 2016 and October 6, 2016 to review the compensation of the Mayor and City Council in order to make recommendations regarding the appropriate level of salary and benefits. After consideration of current and historical salary information, as well as comparison of salaries to other cities in the County, the Committee recommends a 2.5% salary increase for the Mayor and Council to be effective after the new term of office on January 1, 2017. The Committee recommends an additional 2.5% increase effective July 1, 2017 and an additional 2.5% increase effective July 1, 2018 to coincide with the City's fiscal year. The Committee also recommends an increase in auto allowance for the Mayor and Council from \$300 to \$350 per month after the new term of office.

The Committee further requests direction from Council regarding Committee Member qualifications. More information is included in the attached staff report.

FINANCIAL STATEMENT *fm*

Appropriation of General Fund reserves will be required for any salary or benefit increases effective in the current fiscal year. If the Salary Setting Advisory Committee's recommendation is implemented, an appropriation of General Fund reserves in the amount of \$3,125 will be required for Fiscal Year 2016-17.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *MB w/B*

1. Consistent with the Salary Setting Advisory Committee recommendation, introduce the proposed Ordinance for first reading, consider it for approval, and set the second reading of the Ordinance for October 26, 2016.
2. Appropriate funds as needed for any approved compensation increases.
3. Provide direction on Committee member qualifications.

ATTACHMENTS

1. Staff Report
2. Proposed Ordinance
3. Draft Bylaws

STAFF REPORT

Recommendation from the Salary Setting Advisory Committee October 12, 2016

Background

With regard to compensation of the Mayor and City Council, general law cities operate under California Government Code Section 36516 et seq., which authorizes a city council to enact an ordinance approving a salary increase up to five percent (5%) per calendar year, to be effective at the beginning of a new term of office.

Historically, the Santee City Council has adopted such an ordinance according to the Government Code until January 20, 2009, when Santee officially became a Charter City and established a Salary Setting Advisory Committee to make recommendations regarding the appropriate level of salary and benefits for the Mayor and City Council. Specifically, City Charter Section 400, Article IV, states:

The City Council shall, from time to time, establish a Salary Setting Advisory Committee to make recommendations regarding the appropriate level of salary and benefits for the Mayor and the City Council. The City Council may establish the appropriate composition, membership and procedures for the Salary Setting Advisory Committee. The City Council shall not adjust the salary and benefits of the Mayor or the City Council in a manner not otherwise expressly authorized by the laws of the State of California applicable to general law cities unless and until it establishes the Salary Setting Advisory Committee and receives a recommendation from the Committee.

Committee Recommendations

The Salary Setting Advisory Committee convened on September 15, 2016 and October 6, 2016 to review compensation of the Mayor and City Council. The last salary increase for the Mayor and Council was July 1, 2014, pursuant to Ordinance No. 524. After consideration of current and historical salary information, as well as comparison of salaries to other cities in the County, the Committee's recommendation regarding the appropriate level of salary and benefits is as follows:

- A 2.5% salary increase for the Mayor and Council effective after the new term of office on January 1, 2017; and
- An increase in auto allowance for the Mayor and Council from \$300 to \$350 per month effective January 1, 2017; and
- An additional 2.5% salary increase effective at the beginning of the fiscal year on July 1, 2017; and
- An additional 2.5% salary increase effective at the beginning of the fiscal year on July 1, 2018.

The City Council's current compensation is \$1,605.94 per month. Based on the Salary Setting Advisory Committee's recommendation, if the proposed Ordinance is adopted, the new compensation amount will be:

- \$1,646.09 per month effective January 1, 2017
- \$1,687.24 per month effective July 1, 2017
- \$1,729.42 per month effective July 1, 2018

The City Council's salary is currently in the top third of the County (excluding the cities of San Diego and Chula Vista) and will remain in the top third with the recommended increase.

**Comparison of Other Cities in San Diego County
with Recommended 2.5% Increase effective January 1, 2017**

Sorted by Council Salary

CITY ⁽¹⁾	Council Salary	Mayor Salary	Population
1. Vista	2,621.58	2,721.58	98,896
2. Carlsbad	2,052.16	2,151.91	112,930
3. Oceanside	1,932.75	2,107.91	175,948
4. Escondido	1,726.00	4,872.00	150,760
5. Santee	1,646.09	2,774.17	56,757
6. El Cajon	1,434.00	2,068.00	102,337
7. Encinitas	1,186.00	1,186.00	61,928
8. Poway	1,167.45	1,476.45	50,103
9. National City	1,081.62	4,120.12 ⁽²⁾	60,768
10. La Mesa	1,000.00	2,000.00	59,982
11. San Marcos	977.66	977.66	93,295
12. Lemon Grove	803.00	1,234.00	26,611
13. Solana Beach	712.58	712.58	13,494
14. Coronado	435.00	435.00	25,230
15. Del Mar	300.00	350.00	4,274
16. Imperial Beach	300.00	1,100.00	27,434

⁽¹⁾ San Diego and Chula Vista are not included for comparison as these cities have full-time Mayor & City Council

⁽²⁾ National City has full time Mayor

The Mayor's current compensation is \$1,100.57 per month, in addition to the salary received as a Council Member. Based on the Salary Setting Advisory Committee's recommendation, if the proposed Ordinance is adopted, the Mayor's additional compensation amount will be:

- \$1,128.08 per month, in addition to any salary received as a council member, for a total of \$2,774.17 effective January 1, 2017
- \$1,156.28 per month, in addition to any salary received as a council member, for a total of \$2,843.52 effective July 1, 2017
- \$1,185.19 per month, in addition to any salary received as a council member, for a total of \$2,914.61 effective July 1, 2018

The Mayor's salary is currently in the top third of the County (excluding the cities of San Diego and Chula Vista) and will remain in the top third with the recommended increase.

**Comparison of Other Cities in San Diego County
with Recommended 2.5% Increase effective January 1, 2017**

Sorted by Mayor Salary

CITY ⁽¹⁾	Council Salary	Mayor Salary	Population
1. Escondido	1,726.00	4,872.00	150,760
2. National City	1,081.62	4,120.12 ⁽²⁾	60,768
3. Santee	1,646.09	2,774.17	56,757
4. Vista	2,621.58	2,721.58	98,896
5. Carlsbad	2,052.16	2,151.91	112,930
6. Oceanside	1,932.75	2,107.91	175,948
7. El Cajon	1,434.00	2,068.00	102,337
8. La Mesa	1,000.00	2,000.00	59,982
9. Poway	1,167.45	1,476.45	50,103
10. Lemon Grove	803.00	1,234.00	26,611
11. Encinitas	1,186.00	1,186.00	61,928
12. Imperial Beach	300.00	1,100.00	27,434
13. San Marcos	977.66	977.66	93,295
14. Solana Beach	712.58	712.58	13,494
15. Coronado	435.00	435.00	25,230
16. Del Mar	300.00	350.00	4,274

⁽¹⁾ San Diego and Chula Vista are not included for comparison as these cities have full-time Mayor & City Council

⁽²⁾ National City has full time Mayor

Committee Meetings

The City Council recently directed the Salary Setting Advisory Committee to meet on a regular schedule, every two years in the odd years. Staff recommended these meetings be held no later than May to accommodate the City's budget preparation process. If the Committee's recommended salary increases over the next three fiscal years are approved by Council, the Committee will meet again in May 2019 in preparation of Fiscal Year 2019-20. If not approved, the Committee will meet again in approximately eight months, in May 2017.

Committee Bylaws

The Salary Setting Advisory Committee prepared bylaws to provide general guidelines for members and to formalize a regular meeting schedule every two years in the odd years. Attached are the draft bylaws for Council consideration and direction.

At this time, there are no specific requirements established for the appointment of members to the Salary Setting Advisory Committee, such as a requirement that members must be a Santee resident or Santee business owner. Currently, anyone recommended and approved by the City Council may serve on the Committee. Membership qualifications are defined for the City's other committees, and the Salary Advisory Committee would like to do the same. However, after much discussion, the Committee concluded they could not agree on the recommendation for appointment of members due to varying opinions. Therefore, staff is seeking direction from Council regarding what, if any, requirements or qualifications a member should have to serve on this Committee.

For example, City Council may want to require:

1. All members, or a certain number of members, be Santee residents; and/or
2. A certain number of members be Santee business owners; and/or
3. A certain number of members are from a specific group or type of organization.

It should be noted that one member of the Committee, as appointed by Council, was from a labor organization but was not a resident of Santee. This member recently resigned from the Committee.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE,
CALIFORNIA, REPEALING ORDINANCE 524 AND AMENDING SECTION 2.08.010
OF THE SANTEE MUNICIPAL CODE REGARDING COUNCIL SALARIES AND
SECTION 2.08.020 REGARDING THE MAYOR'S SALARY**

WHEREAS, the Santee City Charter provides for the establishment of a Salary Setting Advisory Committee to make recommendations regarding the appropriate level of salary and benefits for the Mayor and City Council; and

WHEREAS, the City Council established a Salary Setting Advisory Committee and the Committee met on September 15, 2016 and October 6, 2016 to review and discuss the current salaries and benefits of the Mayor and City Council; and

WHEREAS, the Salary Setting Advisory Committee recommends that the Mayor and Council Member salaries be increased by two and one-half percent (2.5%) effective January 1, 2017; salaries be increased an additional two and one-half percent (2.5%) effective July 1, 2017; and salaries be increased an additional two and one-half percent (2.5%) effective July 1, 2018.

WHEREAS, the effective date of the last Mayor and Council Member salary increase was July 1, 2014, pursuant to Ordinance No. 524.

**THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:**

SECTION 1:

Ordinance number 524 is repealed and Section 2.08.010 of the Santee Municipal Code is amended to read in its entirety, as follows:

Section 2.08.010 Council Member salaries and reimbursement.

- A. The salary of council members shall be \$1,646.09 per month effective January 1, 2017.
- B. The salary of council members shall be \$1,687.24 per month effective July 1, 2017.
- C. The salary of council members shall be \$1,729.42 per month effective July 1, 2018.
- D. The auto allowance paid to council members shall be \$350 per month effective January 1, 2017.

SECTION 2:

Ordinance number 482 is repealed and Section 2.08.020 of the Santee Municipal Code is amended to read in its entirety, as follows:

ORDINANCE NO.

Section 2.08.020 Mayor's compensation.

- A. The directly-elected Mayor shall be paid a salary of \$1,128.08 per month in addition to any salary received as a council member, effective January 1, 2017.
- B. The directly-elected Mayor shall be paid a salary of \$1,156.28 per month in addition to any salary received as a council member, effective July 1, 2017.
- C. The directly-elected Mayor shall be paid a salary of \$1,185.19 per month in addition to any salary received as a council member, effective July 1, 2018.

SECTION 3:

This Ordinance shall take effect 30 days after its adoption. The City Clerk shall post at the duly designated posting places within the City and publish once within fifteen (15) days after adoption in a newspaper of general circulation.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 12th day of October, 2016 and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the 26th day of October, 2016, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

PATSY BELL, CMC, CITY CLERK

State of California } County of San Diego } ss. City of Santee }	AFFIDAVIT OF POSTING ORDINANCE
I, <u>Patsy Bell, CMC, City Clerk</u> of the City of Santee, hereby declare, under penalty of perjury, that a certified copy of this Ordinance was posted in accordance with the Brown Act and Resolution 61-2003 on _____ at _____.	
_____ Signature	_____ Date

Salary Setting Advisory Committee Bylaws

ARTICLE I: PURPOSE

The purpose of the Salary Setting Advisory Committee is to make recommendations to the Santee City Council regarding the appropriate level of salary and benefits for the Mayor and Council Members.

ARTICLE II: MEMBERSHIP

Section 1. Appointment of Members

Members of the Salary Setting Advisory Committee shall be appointed by the City Council. Members must be residents of the City of Santee. No voting member may be an employee or an elected official of the City of Santee. (Committee requesting specific direction from Council on this section)

Section 2. Officers

A Chair and Vice-Chair will be elected by the Committee from among its members to serve a two-year term. The Chair, or Vice Chair in his/her absence, will present the Committee's recommendations to the City Council at a regularly scheduled public Council Meeting.

ARTICLE III: MEETINGS

Section 1. Time and Place

The Committee shall meet every two years of the odd years. The Committee shall meet and conclude its recommendation no later than the month of May in preparation of a recommendation to the City Council in June, in conjunction with the City's regularly scheduled budget preparation process. Meetings will be held at City Hall.

Section 2. Legal Requirements

Meetings of the Committee are subject to the public meeting rules of the California Government Code, including the Brown Act. Reports and written materials of the Committee are subject to the California Public Records Act.

Section 3. Quorum

A quorum shall consist of a majority of the members of the Committee. No business shall be transacted unless a quorum is present.

Section 4. Voting

Each Committee member, including the Chair and Vice-Chair, shall have one (1) vote. In case of a tie vote, the motion fails.

City of Santee
COUNCIL AGENDA STATEMENT

3B

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE INTRODUCE AND SET FOR PUBLIC HEARING AN ORDINANCE RESCINDING CHAPTERS 15.02, 15.04, 15.06, 15.08, 15.10, 15.12, 15.16, 15.18 AND 15.22 OF TITLE 15 OF THE SANTEE MUNICIPAL CODE ENTITLED "BUILDING AND CONSTRUCTION", IN THEIR ENTIRETY AND ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA ADMINISTRATIVE CODE, THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA HISTORICAL BUILDING CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2016 CALIFORNIA FIRE CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE, TOGETHER WITH MODIFICATIONS, ADDITIONS, AND DELETIONS THERETO

DIRECTOR/DEPARTMENT

Melanie Kush, Development Services
Richard Smith, Fire Department

SUMMARY The purpose of this ordinance is to update the Santee Municipal Code to the current state-mandated building code editions, which include the Fire Code. The state building codes are generally updated every three years and adopted by the State of California Building Standards Commission. Local jurisdictions are subsequently required to adopt and implement the state-adopted codes as the minimum standard for construction. While the City of Santee is required to utilize the newest state-adopted version of the codes for building permit review and inspections, minor modifications to the codes which reflect local conditions, such as climate, topography and geology, are allowed. The ordinance rescinds and replaces various chapters of Title 15 "Building and Construction" by incorporating by reference the latest code editions, while retaining local amendments.

ENVIRONMENTAL REVIEW This Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) of the CEQA Guidelines and 15308 (Class 8) because its adoption will not have a significant environmental effect, and the project is an action being taken in compliance with state mandates where the process involves procedures for the protection of the environment which do not have the potential to cause significant environmental effects.

FINANCIAL STATEMENT

The cost of implementation is expected to have no fiscal impact.

CITY ATTORNEY REVIEW

N/A

Completed

RECOMMENDATIONS

1. Introduce Ordinance for first reading
2. Set the Public Hearing and second reading for October 26, 2016

ATTACHMENTS

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTEE, CALIFORNIA, RESCINDING CHAPTERS 15.02, 15.04, 15.06, 15.08, 15.10, 15.12, 15.16, 15.18 AND 15.22 OF TITLE 15 OF THE SANTEE MUNICIPAL CODE ENTITLED "BUILDING AND CONSTRUCTION", IN THEIR ENTIRETY AND ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA ADMINISTRATIVE CODE, THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA HISTORICAL BUILDING CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2016 CALIFORNIA FIRE CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE. TOGETHER WITH MODIFICATIONS, ADDITIONS, AND DELETIONS THERETO

WHEREAS, the City of Santee last adopted its building and fire codes in 2013; and California Health and Safety Code section 17922 requires that a jurisdiction in the state adopt the most recent edition of the California Building Standards Code, which includes the Fire Code; and

WHEREAS, Government Code Section 50022.2 et seq. and California Health & Safety Code Section 17922 empower the City to adopt by reference the California Building Standards Code, adopting certain uniform codes, including the California Fire Code, 2016 Edition, (which incorporates and amends the International Fire Code 2015 Edition) with certain appendices and amendments; and

WHEREAS, California Health & Safety Code Section 17958.5 provides, in pertinent part, that a City may make such changes or modifications to the provisions published in the California Building Standards Code and other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, topographical, or geological conditions; and

WHEREAS, the City desires to adopt the California Fire Code, 2016 Edition, which is a part of the California Building Standards Code in Title 24 of the California Code of Regulations ("CFC"), with necessary amendments to assure the CFC is tailored to the particular safety needs of the City as required by its unique climatic, topographical and geological conditions; and

WHEREAS, prior to making modifications permitted under California Health & Safety Code Section 17958.5, the City Council is required to make express findings that such modifications or changes are needed in accordance with California Health & Safety Code Section 17958.7; and

WHEREAS, California Health and Safety Code section 17958 requires that cities adopt building regulations that are substantially the same as those adopted by the California Building Standards Commission and contained in the California Building Standards Code; and

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WHEREAS, this amendment to the Santee Municipal Code has been determined to be exempt from review by the San Diego Regional Airport Authority as it would not affect Gillespie Field Airport operations nor result in land use incompatibilities with the Gillespie Field Airport Land Use Plan; and

WHEREAS, this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15308 (Class 8) because the project is an action being taken in compliance with state mandates where the process involves procedures for the protection of the environment which do not have the potential to cause significant effects on the environment; and

WHEREAS, on October 12, 2016, the City Council of the City of Santee held a duly advertised public meeting to introduce the Ordinance by title only and to set the Public Hearing on this proposed ordinance for October 26, 2016; and

WHEREAS, the City published notice of the aforementioned public meeting on October 7, 2016, and thereafter published notice of the Public Hearing pursuant to California Government Code Section 6066 on October 13, 2016 and October 20, 2016; and

WHEREAS, the City Council held a Public Hearing on October 26, 2016, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the California Building Standards Code, as amended herein; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Santee does ordain, as follows:

SECTION 1 Findings in support of local amendments. To the extent that the following changes and modifications to the 2016 California Building Standards Code are deemed more restrictive, thus requiring that findings be made pertaining to local conditions to justify such modifications, the City Council hereby finds and determines that the following changes and modifications are reasonably necessary due to local climatic, topographical, and geological conditions consisting of the following:

A. Climatic Conditions:

1. The City of Santee is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fires as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75 and 100 degrees F are common throughout the year. Hot, dry foehn (Santa Ana) winds, which may reach speeds of 45 miles per hour or greater, are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger.

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2. The local climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Santee Fire Department's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

3. Dry climatic conditions and winds can contribute to the rapid spread of fires. Fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal Fire Department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

4. The water supply is limited making it necessary for fire apparatus to travel time-consuming distances to refill once their initial water supply has been utilized.

B. Topographical Conditions:

1. The City is situated in hilly, inland terrain. Approximately 50% of the area is classified as "wildland" for fire purposes, covered by native vegetation on steep and frequently inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are insignificant. Natural slopes of 15 percent or greater generally occur in the foothills of Santee. Several developments are currently planned for these hillsides and future development may potentially occur in such areas.

2. The topographical conditions combine to create a situation that places Fire Department response time to fire occurrences at risk and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures, such as Class B roofing material to protect occupants and property.

3. The amount of traffic will continue to grow with regional population growth, creating an artificial obstructive topographical condition. The three major highways (Hwy. 67, Hwy. 125, and Hwy. 52) that traverse through the City support the transportation of hazardous materials. The eventual release or threatened release of hazardous materials along one of these highways is possible, given the volume transported daily. The City is also transected by a mass transit trolley line that begins in the City of San Diego and terminates in the City of Santee. The Trolley operates throughout the day and delays emergency vehicles on a daily basis. These conditions may negatively affect access and the Fire Department's ability to deliver service.

4. The potential for fire damage is great in the wildland area, as such, a fire can spread rapidly and difficult terrain and explosive vegetation can slow response time.

5. Rural roads include many narrow winding roadways, often with grades in excess of that necessary for optimal response time for large fire apparatus. An additional factor affecting response time is the distance between the two fire stations and the fire location.

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C. Geological Conditions:

1. The City of Santee is situated near three major earthquake faults, each capable of generating quakes with a magnitude of up to 7.0. These faults are: the Elsinore Fault, approximately 20 miles northeast of Santee; the Rose Canyon Fault, which extends south from La Jolla Cove, through Rose Canyon and west into San Diego; and the Coronado Banks Fault, which extends from the north to south direction, just off the Southern California coastline. In as much as these faults are considered major California earthquake faults, subject to becoming active at any time, the City of Santee is particularly vulnerable to devastation requiring significant emergency response, should an earthquake of such magnitude occur.

2. According to the soil ratings devised by the National Earthquake Hazards Reduction Program (NEHRP), certain portions of the City (through the San Diego River bed) have soft soils that are subject to a risk of Liquefaction in the event of an earthquake.

3. Additionally, this same low lying portion of the City is within a "High Risk Dam Inundation" area subject to severe flooding from the San Vicente and El Capitan Reservoirs in the event of a Dam failure. The potential effects include isolating the City from the north and south due to the potential of flood through the river bed. Additional potential situations inherent in an earthquake situation include: water main breaks, broken natural gas mains causing structure and other fires, possible leakage of hazardous materials, the need for rescues from collapsed structures, and the rendering of first aid and other medical attention to large numbers of people.

SECTION 2 Findings in compliance with the California Environmental Quality Act.

The City Council of the City of Santee finds that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15308 (Class 8) because the project is an action being taken in compliance with state mandates where the process involves procedures for the protection of the environment which do not have the potential to cause significant effects on the environment.

SECTION 3 Recitals. The City Council of the City of Santee hereby finds and declares that all of the recitals set forth above are correct and true and wishes to amend the Santee Municipal Code by rescinding and replacing various Chapters of Title 15 "Buildings and Construction", to include various sections of the Fire Code (Section 307.4.3 with subsections, Section 503.2.1, Section 503.2.3, Section 503.7, Section 503.8, Section 505.3, Section 903.2(a), Section 903.2(b), Section, Section 903.4.2, Section 905.3(a), Section 2206.2.3, Section 5607 with subsections, Section 4903, Section 4905.2 with subsections, Section 4907.2 with subsections, and Section 4908 with subsections) as set forth in this ordinance.

SECTION 4: The City Council of the City of Santee hereby:

- A. Rescinds Chapters 15.02, 15.04, 15.06, 15.08, 15.10, 15.12, 15.16, 15.18 AND 15.22 of the Santee Municipal Code; and

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- B. Adopts new Chapters 15.02, 15.04, 15.06, 15.08, 15.10, 15.12, 15.14, 15.18, 15.20, 15.22, 15.24 AND 15.26 of the Santee Municipal Code to read as follows:

Chapter 15.02

CALIFORNIA ADMINISTRATIVE CODE

Sections:

15.02.010 Adoption.

15.02.010 The California Administrative Code Chapter, 2016 edition, Chapter 15.02 is adopted by reference without change to the Buildings and Construction Code.

Chapter 15.04

CALIFORNIA BUILDING CODE

Sections:

15.04.010 Adoption.

15.04.020 Findings.

15.04.030 Deletions, revisions and additions.

15.04.040 Table 1505.1 Amended.

15.04.050 Appendices C, H and I adopted.

15.04.010 Adoption of the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City building code for the purpose of prescribing regulations in the City of Santee for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California State Health and Safety Code, Section 18901 et seq. which is based on the International Building Code, 2015 Edition, including those Appendix Chapters shown as adopted by this Chapter. Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the City of Santee shall be in conformance with the 2016 California Building Code published by the California Building Standards Commission.

15.04.020 Findings.

The City of Santee has many large brush-covered hillsides. The City is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The City Council specifically finds that these geographic and topographic

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conditions necessitate greater fire protection than that provided by the 2016 California Building Code. Therefore, this chapter alters the 2016 California Building Code, to require more fire retardant roof coverings.

15.04.030 Deletions, revisions and additions to the 2016 California Building Code.

Deletions, revisions and additions to the 2016 California Building Code shall be as set forth in Sections 15.30.040 as follows:

Section 104.7.1 of the California Building Code is added to read as follows:

Section 104.7.1 Permit History Survey. Upon receipt of a written request from the owner of a parcel of property for a Permit History Survey, and the payment of the fee specified in a resolution duly adopted by the City Council, the building official may review city records and provide a report listing those building, plumbing, electrical and mechanical permits that have been issued for a specific parcel of property.

Section 105.2 of the California Building Code is amended to read as follows:

Section 105.2 Exempt from permit is amended by adding the following subsections 14 through 17:

1. through 13. remain unchanged.
14. Satellite dish antenna, other than roof-mounted, in Office, Commercial, and Industrial zoning districts
15. Renewal of roof coverings on any buildings.
16. Attached open residential patio covers structures up to 120 square feet in projected roof area. These structures must be attached to an R-3 occupancy.
17. Fences not over 8 feet high, where permitted to be installed by City Zoning Code in commercial and industrial zones.
18. Installation of metal storage containers for use as temporary storage structures. This exception does not apply to any structure used as defined under 'habitable space' in section 202 of the California building Code. This exemption is intended to be applied only to prefabricated shipping and cargo containers commonly used in the shipping and trucking industries.
19. Repairs which involve only the replacement of component parts of existing work with similar materials only for the purpose of maintenance and which do not aggregate over \$750.00 in valuation and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically exempt from permit requirements without limit to valuation are:
 - a. Painting
 - b. Installation of floor covering
 - c. Cabinet work
 - d. Outside paving not involving restriping of disabled access parking stalls.

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Section 105.3.1.1 of the California Building Code is added to read as follows:

Section 105.3.1.1 Permits shall not be issued for construction on a site where the City engineer determines that a grading permit or public improvements are required until the City engineer or his/her representative notifies the building official in writing that grading or public improvements has been satisfactorily completed to allow building permits to be issued.

Permits shall not be issued if the City engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

Section 109 of the California Building Code shall be deleted and replaced with the following:

Section 109.1 FEES

Section 109.2 GENERAL. Fees shall be assessed as set forth in a resolution duly adopted by the City Council.

Section 109.3 PERMIT FEES. The fee for each permit shall be as set forth in a resolution duly adopted by the City Council.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. The permit fees for those projects subject to State energy code compliance and /or State disabled access regulation compliance shall be as set forth in a resolution dully adopted by the City Council.

Section 109.4 PLAN REVIEW FEES. When submittal documents are required by section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be set forth in a resolution duly adopted by the City Council. The plan review fee for electrical, mechanical, and plumbing work shall be set forth in a resolution duly adopted by the City Council. The plan review fees for State energy code compliance and/or State disabled access regulation compliance shall be as set forth in a resolution duly adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.3 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate set forth in a resolution duly adopted by City Council.

Section 109.5 EXPIRATION OF PLAN REVIEW. An application for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not to exceed 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check

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fee.

Section 109.6 INVESTIGATION FEES: WORK WITHOUT A PERMIT.

Section 109.6.1 INVESTIGATION. Whenever any work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

Section 109.6.2 FEE. An investigation fee, in addition to the permit fee, shall be equal to the amount of the permit fee required by this code. The minimum fee shall be the same as the same as the minimum permit fee set forth in a resolution duly adopted by the City Council. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes not from any penalty prescribed by law.

Section 109.7 FEE REFUNDS. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid has been withdrawn or cancelled before any examination has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 109.8 PERMIT HISTORY SURVEY FEE. The fee for conducting a permit history survey for an existing structure or facility shall be as set forth in a resolution duly adopted by City Council.

Section 109.9 DEMOLITION PERMIT FEE. The fee for a permit to demolish a building shall be as set forth in a resolution duly adopted by the City Council.

Section 109.10 FEE EXCEPTIONS: the government of the United States of America, the State of California, local school districts proposing work exempt from building permits, the County of San Diego, and the City shall not be required to pay for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by City Council shall apply.

Section 111 of the California Building Code is amended to read as follows:

Section 111.1 CERTIFICATE ISSUED. After final inspection where the building official has inspected the building or structure and has found no violations of the provisions of this code or other laws which are enforced by the building division, the building official shall indicate approval on the Inspection Record Card, and the signed Inspection Record Card shall serve as the Certificate of Occupancy.

Section 113.1 of the California Building Code is amended to read as follows:

Section 113.1 General. In order to hear and decide appeals or orders, decisions, or determinations made by the building Official relative to the application and interpretation of the technical codes, the City Council shall serve as the appeals board. The applicant may appeal the order, decision, or determination of the building official by filing with the City Clerk a written appeal within ten days after the date of the written

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decision.

Section 114.4 of the California Building Code shall be replaced as follows to read:

Section 114.4 Violations. Any person, firm or corporation violating any provision of this code or the technical codes shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars, or imprisoned for a period of not more than six months in the county jail, or both fine and imprisonment.

Section 114.5 of the California Building Code shall be added as follows to read:

Section 114.5 Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished, equipped, used, occupied, or maintained contrary to the provisions of this code shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by Chapter one (1) of this code shall be prima facie evidence of the fact that the public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipment, use, occupation, or maintenance of a building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, used, occupied, or maintained contrary to the provisions of this code or the technical codes.

Add the following to the end of the first paragraph of Section 1505.1 General:

Section 1505.1 The installation of wood shingle or shake roofing material for reroofing or repair which exceeds 25 percent of the projected roof area within any 12 month period shall be as required for new roof installations or a minimum of Class B Rating.

15.04.040 Table 1505.1 Amended.

Table 1505.1 of the 2016 California Building Code and the International Building Code, 2015 Edition, is amended to read as follows:

**TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPE OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

15.04.050 Appendices C, H and I adopted.

Appendix C, H and I are adopted.

Chapter 15.06

CALIFORNIA RESIDENTIAL CODE

Section 15.06.010 Adoption

15.06.010 Adoption of the 2016 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade the 2016 California Residential Code. Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade within the City of Santee, shall be in conformance with the 2016 California Residential Code, published by the California Building Standards Commission.

Section R104.7.1 of the California Residential Code is added to read as follows:

Section R104.7.1 Permit History Survey. Upon receipt of a written request from the owner of a parcel of property for a Permit History Survey, and the payment of the fee specified in a resolution duly adopted by the City Council, the building official may review City records and provide a report listing those building, plumbing, electrical and mechanical permits that have been issued for a specific parcel of property.

Section R105.2 of the California Residential Code is amended to read as follows:

Section R105.2 Exempt from permit is amended by adding the following subsections 11 through 16:

1. through 10. remains unchanged.
11. Satellite dish antenna, other than roof-mounted, in Office, Commercial, and Industrial zoning districts
12. Renewal of roof coverings on any buildings.
13. Attached open residential patio covers structures up to 120 square feet in projected roof area. These structures must be attached to an R-3 occupancy.
14. Fences not over 8 feet high, where permitted to be installed by City Zoning Code in commercial and industrial zones.
15. Installation of metal storage containers for use as temporary storage structures. This exception does not apply to any structure used as defined under 'habitable space' in section R202 of the California Residential Code. This exemption is intended to be applied only to prefabricated shipping and cargo containers commonly used in the shipping and trucking industries.
16. Repairs which involve only the replacement of component parts of existing work with similar materials only for the purpose of maintenance and which do not aggregate over \$750.00 in valuation and do not affect any electrical or mechanical

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installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically exempt from permit requirements without limit to valuation are:

- a. Painting
- b. Installation of floor covering
- c. Cabinet work
- d. Outside paving not involving restriping of disabled access parking stalls.

Section R105.3.1.2 of the California Residential Code is added to read as follows:

Section R105.3.1.1 Permits shall not be issued for construction on a site where the City engineer determines that a grading permit or public improvements are required until the City engineer or his/her representative notifies the building official in writing that grading or public improvements has been satisfactorily completed to allow building permits to be issued.

Permits shall not be issued if the City engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

Section R108 of the California Building Code shall be deleted and replaced with the following:

Section R108.1 FEES

Section R108.2 GENERAL. Fees shall be assessed as set forth in a resolution duly adopted by the City Council.

Section R108.3 PERMIT FEES. The fee for each permit shall be as set forth in a resolution duly adopted by the City Council.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. The permit fees for those projects subject to State energy code compliance and /or State disabled access regulation compliance shall be as set forth in a resolution duly adopted by the city council.

Section R108.4 PLAN REVIEW FEES. When submittal documents are required by section R106, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be set forth in a resolution duly adopted by the City Council. The plan review fee for electrical, mechanical, and plumbing work shall be set forth in a resolution duly adopted by the City Council. The plan review fees for State energy code compliance and /or State disabled access regulation compliance shall be as set forth in a resolution duly adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section R108.3 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in California Building Code Section 107.3.4.1, an additional plan review fee shall be charged at the rate set forth in a resolution duly adopted by City Council.

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Section R108.5 EXPIRATION OF PLAN REVIEW. An application for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not to exceed 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

Section R108.6 INVESTIGATION FEES: WORK WITHOUT A PERMIT.

Section R108.6.1 INVESTIGATION. Whenever any work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

Section R108.6.2 FEE. An investigation fee, in addition to the permit fee, shall be equal to the amount of the permit fee required by this code. The minimum fee shall be the same as the same as the minimum permit fee set forth in a resolution duly adopted by the City Council. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes not from any penalty prescribed by law.

Section R108.7 FEE REFUNDS. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid has been withdrawn or cancelled before any examination has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R108.8 PERMIT HISTORY SURVEY FEE. The fee for conducting a permit history survey for an existing structure or facility shall be as set forth in a resolution duly adopted by City Council.

Section R108.9 DEMOLITION PERMIT FEE. The fee for a permit to demolish a building shall be as set forth in a resolution duly adopted by the City Council.

Section R108.10 FEE EXCEPTIONS: the government of the United States of America, the State of California, local school districts proposing work exempt from building permits, the County of San Diego, and the City shall not be required to pay for filing an application for a building permit pursuant to this code unless city plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by City Council shall apply.

Section R110 of the California Building Code is amended to read as follows:

Section R110.1 CERTIFICATE ISSUED. After final inspection where the building official has inspected the building or structure and has found no violations of the provisions of this code or other laws which are enforced by the building division, the

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building official shall indicate approval on the Inspection Record Card, and the signed Inspection Record Card shall serve as the Certificate of Occupancy.

Section R112.1 of the California Residential Code is added to read as follows:

Section R112.1 General is amended to read as follows: In order to hear and decide appeals or orders, decisions, or determinations made by the building Official relative to the application and interpretation of the technical codes, the City Council shall serve as the appeals board. The applicant may appeal the order, decision, or determination of the building official by filing with the City Clerk a written appeal within ten days after the date of the written decision.

Section R113.4 of the California Residential Code shall be replaced as follows to read:

Section R113.4 Violations. Any person, firm or corporation violating any provision of this code or the technical codes shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars, or imprisoned for a period of not more than six months in the county jail, or both fine and imprisonment.

Section R113.5 of the California Residential Code shall be added as follows to read:

Section R113.5 Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished, equipped, used, occupied, or maintained contrary to the provisions of this code shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by Chapter one (1) of this code shall be prima facie evidence of the fact that the public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, equipment, use, occupation, or maintenance of a building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, used, occupied, or maintained contrary to the provisions of this code or the technical codes.

Section R902.1.3 of the California Residential Code is altered to read as follows:

Section R902.1.3 Roof Coverings in all other areas. Alter the class of roof coverings in R902.1.3 at the end of the paragraph from "Class C" to "Class B."

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Chapter 15.08

CALIFORNIA ELECTRICAL CODE

Sections:

15.08.010 Adoption.

15.08.010 Adoption of the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city electrical code for the purpose of prescribing regulations in the City of Santee for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code based on the National Electrical Code, 2014. Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, all installation, alteration or repair of electrical systems within the City of Santee shall be in conformance with 2016 California Electrical Code published by the California Building Standards Commission.

Chapter 15.10

CALIFORNIA MECHANICAL CODE

Sections:

15.10.010 Adoption.

15.10.010 Adoption of the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city mechanical code for the purpose of prescribing regulations in the City of Santee for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. based on the Uniform Mechanical Code, 2015 Edition . Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with 2016 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

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Chapter 15.12

CALIFORNIA PLUMBING CODE

Sections:

- 15.12.010 Adoption**
- 15.12.020 Deletions and Additions**
- 15.12.030 Appendices A, B, D and I Adopted**

15.12.010 Adoption of the 2016 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City plumbing code for the purpose of prescribing regulations in the City of Santee for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2016 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. based on the Uniform Plumbing Code 2015 Edition . Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the City of Santee shall be in conformance with 2016 California Plumbing Code , published by the California Building Standards Commission.

15.12.020 Deletions and Additions to the 2016 California Plumbing Code and the Uniform Plumbing Code, 2015 Edition.

Deletions and additions to the 2016 California Plumbing Code, shall be as set forth in Section 15.12.020 and 15.12.030

Section 104.1.1 of the California Plumbing Code is added as follows to read,

Section 104.1.1 SOLAR WATER HEATERS PRE-PLUMBING AND STORAGE TANK SPACE REQUIREMENT.

1. Any other provisions on this chapter to the contrary notwithstanding, no permit shall be issued by the administrative authority for a new residential building unless said building includes plumbing and adequate space for installation of a solar storage tank specifically designed to allow the later installation of a system which utilizes solar energy as the primary means of heating domestic potable water. No building permit shall be issued unless the plumbing required pursuant to this section is indicated in the building plans. Pre-plumbing and storage tank configuration shall be designed and installed to the satisfaction of the administrative authority. This section shall apply only to those new residential buildings for which a building permit was applied for after the effective date of the ordinance amending this section.

2. The administrative authority is hereby authorized to exempt those applications from the provisions of this section which the administrative authority determines do not have feasible solar access due to shading, building orientation, construction constraints, or configuration of the subdivision parcel.

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Section 104.1.2 of the California Plumbing Code is added as follows to read,

Section 104.1.2 SWIMMING POOL HEATERS.

1. Any other provisions of this chapter to the contrary notwithstanding, no permit shall be issued for a new or replacement fossil swimming pool heater unless a solar system with a collector area a minimum of fifty percent of the surface area of the swimming pool being heated is also installed as the primary heat source for the swimming pool.

2. A fossil fuel swimming pool heater is defined as one which uses nonrenewable fuel including but not limited to natural gas, propane, diesel and electricity.

3. As used in this section a swimming pool means any confined body of water exceeding two feet in depth, greater than one hundred fifty square feet in surface area, and located either above or below the existing finished grade of the site, designed, used or intended to be used for swimming, bathing or therapeutic purposed.

EXCEPTION: A separate spa and a spa built in conjunction with a swimming pool may be heated by fossil fuels, provided the heating source cannot be used to heat the swimming pool.

4. Other provisions of this section notwithstanding, the owner of a swimming pool may request of the administrative authority a waiver of all, or a portion, of the requirements contained in this section when topographic conditions, development, or existing trees on or surrounding the swimming pool or probable location of the solar collection system preclude effective use of the solar energy system due to shading; or the swimming pool is located in a permanent, enclosed structure.

5. An applicant dissatisfied with a decision of the administrative authority relating to modification or waiver under this section may appeal said decision to the City Council by filing a written appeal with the City Clerk within ten days of the issuance of the written decision. The decision of the City Council in the case of any such appeal shall be final.

15.12.030 Appendices A, B, D, G and I Adopted.

Appendix Chapters A, B, D, G and I of the 2016 California Plumbing Code, are adopted.

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Chapter 15.14

CALIFORNIA ENERGY CODE

Sections:

15.14.010 Adoption.

15.14.010 Adoption of the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the City energy code for the purpose of prescribing regulations in the City of Santee for the conservation of energy the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. and the California Energy Code, 2016 Edition. Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with California Energy Code and any rules and regulations promulgated pursuant thereto, including the California Energy Code, 2016 Edition, published by the California Energy Commission.

Chapter 15.18

HISTORICAL BUILDING CODE

Sections:

15.18.010 Adoption.

15.18.010 Adoption of the 2016 California Historical Building Code, Part 8, Title 24 of the California Code of Regulations.

The California Historic Building Code, 2016 edition, Chapter 15.18 is adopted by reference without change to Buildings and Construction Title 15.

Chapter 15.20

CALIFORNIA FIRE CODE

Sections:

15.20.010 Adoption.

15.20.040 Amendments made to the California Fire Code.

15.20.010 Adoption of the 2016 California Fire Code, Part 9, Title 24 of the California Code of Regulations, which incorporates and amends the International

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Fire Code 2015 edition with certain local amendments.

There is adopted and incorporated by reference herein as the City Fire Code for the purpose of enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2016 California Fire Code, Part 9, Title 24 California Code of Regulations, a portion of the California Building Standards Code. Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, planning, design, operation, construction, use and occupancy of every newly constructed building or structure shall conform with the 2016 California Green Building Code, published by the California Building Standards Commission.

- (A) There is hereby adopted by the City Council of the City of Santee for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the International Fire Code, including Appendix Chapters 4, B, BB, C, CC, E, F, G, H, I and J.
- (B) Published by the International Code Council, being particularly the 2015 Edition thereof and California Amendments thereto, as incorporated into California law under Title 24 of the California Code of Regulations, save and except such portions as are hereinafter deleted, modified or amended by Section 15.20.040 of this Ordinance.
- (C) No less than three copies of these codes and standards have been, and are now filed in the office of the City Fire Department with one copy on file in the office of the City Clerk per Government Code Section 50022.6, and the same are adopted and incorporated as fully as if set out at length in this Chapter. From the date on which this Chapter shall take effect, the provisions thereof shall be controlling within the boundaries of the City.

15.20.040 Amendments made to the California Fire Code. The following Section repeals and replaces Section 15.20.040 of the Santee Municipal Code.

Section 15.20.040 The California Fire Code, 2016 Edition, is amended and changed in the following respects:

CHAPTER 3 AMENDED - GENERAL PRECAUTIONS AGAINST FIRE

Section 307.4.3 is hereby amended to read as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall comply with all the following restrictions:

307.4.3.1 Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions. The use of washing machine tub fireplaces and other similar devices is prohibited within Santee City limits.

307.4.3.2 Portable outdoor fireplaces shall be constructed of steel or other approved non-combustible materials.

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307.4.3.3 During operation, the portable outdoor fireplace shall be covered with a metal screen or welded or woven wire mesh spark arrestor with openings no larger than ¼ " to reduce airborne embers.

307.4.3.4 Portable outdoor fireplaces shall only be used on a non-combustible surface or bare ground, void of all vegetation.

307.4.3.5 Portable outdoor fireplaces shall be operated at least 15 feet away from all combustible materials or structures and shall not be used under eaves, patio covers or other shade structures.

307.4.3.6 Portable outdoor fireplaces shall be supervised at all times and extinguished when no longer being used.

307.4.3.7 A garden hose or 4A fire extinguisher shall be readily available at all times when the outdoor portable fireplace is in operation.

307.4.3.8 The burning of trash, rubbish or paper products is strictly prohibited.

307.4.3.9 The Fire Code Official or other Fire Department representative is authorized to order extinguishment at any time because of misuse, objectionable situation, hazardous weather, or any other safety concern.

CHAPTER 5 AMENDED - FIRE SERVICE FEATURES

Section 503.2.1 is hereby amended by replacing language to read as follows:

503.2.1 Dimensions (Fire Apparatus Access Roads). Fire apparatus access roads shall have an unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: A fire apparatus access road may be reduced to an unobstructed width of not less than 16 feet (or other approved width) when in the opinion of the Fire Chief the number of vehicles using the roadway will not limit or impair adequate emergency fire department access.

Section 503.2.3 is hereby amended to read as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an approved paved surface. In new development, all underground utilities, hydrants, water mains, curbs, gutters and sidewalks must be installed and the drive surface shall be approved prior to combustibles being brought on site.

Section 503 is hereby amended by adding subsection 503.7 and 503.8 to read as follows:

503.7 Gates across fire apparatus access roads. All gates or other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by

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the Fire Chief/Fire Code Official, and receive specific plan approval. Written plans shall be submitted for approval and approved prior to the installation of any gate or other similar obstruction. Gates shall be equipped with approved emergency locks or locking devices.

503.8 Automatic gates. All automatic gates across fire apparatus access roads shall be equipped with approved emergency key switches. Gates serving more than four residential dwellings or gates serving projects that, in the opinion of the Fire Chief/Fire Code Official, require a more rapid emergency response, shall also be equipped with an approved strobe activating sensor(s) to open the gate upon approach of emergency apparatus. All gates shall have a manual release device to open the gate upon power failure.

Section 505 is hereby amended by adding subsection 505.3 to read as follows:

505.3 Map/Directory. A lighted directory map meeting current Santee Fire Department standards may be installed at each driveway entrance or other approved location(s) to multiple unit residential projects 15 units or more and other occupancies when in the opinion of the Fire Chief the directory will enhance emergency response to the project.

CHAPTER 9 AMENDED – FIRE PROTECTION SYSTEMS

Section 903.2 is hereby amended adding subsections 903.2(a) and 903.2(b) to read as follows:

903.2(a) Automatic fire sprinkler system required. The installation of an approved automatic fire sprinkler system shall be required in all buildings, regardless of size or occupancy, and irrespective of any occupancy or area separation. Sprinklers shall also be required in all additions made to existing buildings equipped with automatic fire sprinkler system. "Fire walls" and "Area or Occupancy Separation Walls" regardless of construction rating shall not constitute separate buildings for purposes of determining fire sprinkler requirements. An approved fire sprinkler system shall be required in an existing non-sprinklered building when a change of occupancy classification occurs.

EXCEPTION: Kiosks, sheds, out-buildings, small temporary buildings and other small buildings may not need an automatic fire sprinkler system if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

903.2(b) Automatic fire sprinkler system required additions. An approved automatic fire sprinkler system shall be installed in any existing non-sprinklered buildings where structural additions are made greater than 5,000 square feet or resulting in a 50% increase in the size of the building. In this situation the entire building is required to be equipped with an approved automatic fire sprinkler system.

EXCEPTION: Group R, Division 3 occupancies.

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Section 903.4.2 is hereby amended by replacing language to read as follows:

903.4.2 Alarms. One or more exterior approved audio/visual device(s) shall be connected to every automatic sprinkler system in an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 905 is hereby amended by adding Subsection 905.3(a) to read as follows:

905.3(a) Required installations. A wet standpipe system shall be installed in all levels of any parking structures below or above grade.

CHAPTER 23 AMENDED - MOTOR VEHICLE FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

Section 2306.2.3 is hereby amended by replacing language for exception 3 to read as follows:

2306.2.3 Above-ground tanks located outside, above grade, exception 3.

3. Tanks containing fuels shall not exceed 1,500 gallons of Class I liquids, 12,000 gallons of Class II liquids in individual capacity and 26,000 gallons in aggregate capacity. Installations with the maximum allowable capacity shall be separated from other installations by not less than 100 feet.

CHAPTER 49 AMENDED – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE (WUI) AREAS

Section 4903 is hereby amended to read as follows:

4903 Fire Protection Plan. A Fire Protection Plan (FPP), approved by the Fire Chief, shall be required for all new development within declared Fire Hazard Severity Zones and/or Wildland-Urban Interface (WUI) areas.

The FPP shall include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation, and climate of the proposed site.

The FPP shall address access, water supply, building ignition fire resistance, fire protection systems and equipment, defensible space and vegetation management.

Section 4905.2 is hereby amended to read as follows:

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4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code including the following:

1. California Building Code Chapter 7A,
2. California Residential Code Section R327,
3. California Reference Standards Code Chapter 12-7A
4. Santee Local Amendments
5. and applicable amendments

Section 4905.2 is hereby amended adding subsections 4905.2.1 through 4905.2.7

4905.2.1 Construction materials within Fire Hazard Severity Zones and/or Wildland Urban Interface areas. Prior to combustible materials being brought on site, utilities shall be in place, fire hydrants operational, an approved all-weather roadway must be in place, and the fuel modified defensible space must be established and approved by the fire code official.

Section 4907 is hereby amended adding subsections 4907.2, 4907.2.1, 4907.2.2 and 4907.2.3.

4907.2 Fuel Modified Defensible Space. All new developments, subdivisions or tracts that are planned in Fire Hazard Severity Zones and/or Wildland Urban Interface Areas shall have a minimum of 100 horizontal feet of "fuel modified" defensible space between structures and wildland areas. Depending on the percentage of slope and other wildland area characteristics, the Fuel Modified Defensible Space may be increased beyond 100 feet. Fuel Modified Defensible Space shall be comprised of two distinct brush management areas referred to as, "Zone One" and "Zone Two".

4907.2.1 Fuel Modified Defensible Space, Zone One. "Zone One" is the first 50 feet measured from the structure toward the wildland. This area is the least flammable, and consists of pavement, walkways, turf and permanently landscaped, irrigated and maintained ornamental planting. This vegetation should be kept in a well-irrigated condition and cleared of dead material. This area requires year-round maintenance. Fire resistive trees are allowed if placed or trimmed so that crowns are maintained more than 10 feet from the structure. Highly flammable trees such as, but not limited to conifers, eucalyptus, cypress, junipers and pepper trees are not allowed in WUI areas. This area shall be maintained by the property owner or applicable homeowners association(s).

4907.2.2 Fuel Modified Defensible Space, Zone Two. "Zone Two" is the second 50 feet of the 100 total feet of defensible space and is measured 50 feet from the structure to a total of 100 feet toward the wildland. Zone

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Two shall consist of low-growing, fire-resistant shrubs and ground covers. Average height of new plants for re-vegetation should be less than 24 inches. In this Zone, no more than 30% of the native, non-irrigated vegetation shall be retained. This area requires inspection and periodic maintenance. This area shall be maintained by the property owner or applicable homeowners association(s).

4907.2.3 Defensible space adjacent to roadways. An area of 50 feet from each side of fire apparatus access roads and driveways shall be improved to "Zone One" standards and maintained clear of all but fire-resistive vegetation. This area shall be maintained by the property owner or homeowners associations as with other defensible space areas. Defensible space adjacent to roadways may be increased to more than 50 feet on each side of a fire apparatus access road. This distance is to be determined by the approved Fire Protection Plan.

Chapter 49 is hereby amended adding section 4908 to read as follows:

4908 Special Fire Protection Requirements.

4908.1 Combustible fencing. Fencing within Fire Hazard Severity Zones and/or Wildland Urban Interface Areas shall consist of noncombustible or approved materials. The closest five (5) feet of fencing to any structure shall be approved noncombustible.

4908.2 Outdoor fireplaces, barbecues and grills. Outdoor fireplaces, barbecues and grills shall not be built, or installed in Fire Hazard Severity Zones and/or Wildland Urban Interface Areas without plan approval by the Fire Code Official. Portable outdoor fireplaces or other wood burning appliances shall be strictly prohibited within Fire Hazard Severity Zones and/or Wildland Urban Interface Areas.

4908.3 Spark arresters. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel are used, shall be provided with a spark arrester of woven or welded wire screening of 12-gauge standard wire having openings not exceeding ¼ inch.

4908.4 Storage of firewood and combustible materials. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks, under eaves, canopies or other projections or overhangs and shall be stored at least 20 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

4908.5 Water supply. All water systems, specifically fire hydrants and storage tanks, must be approved by the Fire Department. Fire hydrants within Fire Hazard Severity Zones or Wildland Urban Interface Areas shall be spaced every 300 feet and shall have a fire flow of 2500 gallons per minute or a fire flow approved by the Fire Chief. Developments that

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require new or "stand alone" water storage facilities may also be required to provide secondary or back-up systems, such as independently powered pumps that will ensure adequate water supply for firefighting emergencies.

4908.6 Wildland access. To adequately deploy resources to protect structures threatened by wildfires, emergency access to wildland areas may be required. Access may include but is not limited to, gated vehicle access points and/or personnel corridors between homes or structures. The need, number, and location of wildland access points will be determined by the Fire Code Official.

CHAPTER 56 AMENDED - EXPLOSIVES AND FIREWORKS

Chapter 56 is hereby amended by adding section 5607 to read as follows:

5607 Blasting

5607.1 Scope. Section 5609 is intended to regulate blasting operations within the City of Santee.

5607.2 Grading permit required. Section 5609 shall apply to any project or construction operation where a grading permit is required. A grading permit must be approved and issued by the Engineering Department of the City of Santee prior to the issuance of a blasting permit issued by the Fire Department for blasting at construction sites.

5607.3 Definitions. For the purpose of this Division the following definitions shall apply:

Approved Blaster is a blaster who has been approved by the Fire Chief to conduct blasting operations in the City of Santee and who has been placed on the list of approved blasters.

Blaster is any person, corporation, contractor or other entity who uses, ignites, or sets off an explosive device or material.

Inspector is any person who has been approved by the Fire Chief to conduct pre and post blast inspections in the City of Santee.

Blasting Operations shall mean the use of an explosive device or explosive materials to destroy, modify, obliterate, or remove any obstruction of any kind from a piece of property.

Minor Blasting is any blasting operation associated with trenching operations, digging holes for utility poles, and other single shot operations.

Major Blasting is any other type of blasting operation.

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Permit for Blasting is a written document issued by the Santee Fire Department wherein the blaster is given permission to blast within the City of Santee under specific terms and conditions for the operation.

Certificate of Insurance is a written document issued by an insurance company authorized to do business in the State of California stating that the insurance company has issued a policy of liability insurance covering property damage and bodily injuries resulting from blasting operations occurring in the City of Santee.

Explosive Permit is a written document issued by the San Diego County Sheriff's Department pursuant to Section 12000, et seq. of the California Health and Safety Code wherein the Sheriff's Department allows blasting with explosives to be done by the permittee under the conditions specified therein.

5607.4 Permit to Blast: All blasting operations within the City of Santee are prohibited unless a permitted by the Santee Fire Department.

5607.4.1 Prerequisites. No Permit to Blast shall be granted or obtained unless the prerequisite conditions listed below are complied with and proof provided to the satisfaction of the Fire Department.

5607.4.2 Explosives permit. The blaster shall obtain an explosives permit from the San Diego County Sheriff's Department and a copy thereof shall be placed on file with the Santee Fire Department.

5607.4.3 Santee business license. The blaster shall obtain a business license from and issued by the Finance Department of the City of Santee and a copy thereof placed on file with the Santee Fire Department.

5607.4.4 Liability insurance. The property owner/developer or general contractor shall obtain liability insurance covering the blaster's activities in the minimum amount of \$2,000,000 for property damage and \$1,000,000 for bodily injury. The property owner/developer or general contractor shall file a copy of the Certificate of Insurance with the Santee Fire Department. The blaster shall have liability insurance, property insurance, and bodily injury insurance in the minimum amount of \$500,000 each. A copy of the Certificate of Insurance of the blaster shall also be filed with the Santee Fire Department by the property owner/developer or general contractor. The City of Santee shall be named as Co-Insured.

5607.4.5 Blaster's qualifications. The blaster's qualifications shall be reviewed by the Fire Chief. Approval and placement on the list of approved blasters shall be based upon a review of the blaster's qualifications, past safety record, and history of complaints of job performance. Failure on the part of the blaster to comply with the terms

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and conditions under which approval is granted may result in suspension from the list of approved blasters for a period not exceeding one year.

5607.5 Permit to Blast - repository and renewal.

5607.5.1 Permit to Blast filing. A copy of the Permit to Blast shall be kept on file with the Santee Fire Department at 10601 Magnolia Ave., Santee, California 92071. A copy of the Permit to Blast shall be retained by the general contractor or property owner/developer and by the blaster and shall be available at the job site for public or official inspection at all times during blasting operations.

5607.5.2 Permit to Blast cancellation. A Permit to Blast is required to be cancelled with the Fire Department when a blaster completes or discontinues, for thirty (30) days, blasting operations at a construction site.

5607.5.3 Permit to Blast - renewal. A Permit to Blast must be renewed with the Fire Department before any blasting operations are continued or resumed.

5607.6 Blasting operation procedures. After the Permit to Blast has been issued, the blaster shall comply with the following procedures.

5607.6.1 Notification of blasting operation. The contractor or property owner/developer shall give reasonable notice in writing at the time of issuance of building permit, grading permit or encroachment license to all residences or businesses within 600 feet of any potential blast location. The notice shall be in a form approved by the Fire Chief.

Any resident or business receiving such notice may request of the Fire Department that the blaster give a 12 hours advance notice of impending blast. The general contractor or property owner/developer shall obtain the advanced notification list of residents and businesses from the Fire Department, and shall make every reasonable effort to contact any and all parties requesting the second advanced notice.

5607.6.2 Inspections. Inspections of all structures within 300 feet of the blast site shall be made before blasting operations. The person(s) inspecting shall obtain the permission of the building owner prior to conducting the inspection. The inspections shall be performed by a qualified person(s) approved by the Fire Chief, and employed by the blaster or project contractor. The inspection shall be only for the purpose of determining the existence of any visible or reasonably recognizable pre-existing defects or damages in any structure. Waiver of such inspection shall be in writing by owner(s), and persons who have vested interest, control, custody, lease or rental responsibility of said property or their legally recognized agent. Post blast inspections shall be required upon receipt of a complaint of property damage by the person in charge of the property.

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Damage must be reported to the Fire Department within one year of the completion of blasting operations.

5607.6.3 Inspection report. Complete inspection reports identifying all findings or inspection waivers shall be signed by the inspector and property owners or owner's agent. Such inspection reports shall be retained by the inspecting agency, but shall be immediately available to the Fire Department and individuals directly involved in alleged damage complaints.

5607.6.4 Inspection waiver report. The inspector shall file with the Fire Department a summary report identifying address, occupant/owner's name, time and date of inspections, and any inspection waiver signed by property owner or owner's agent, with an explanation as to why an inspection of a specific structure was not made. This summary and waiver report shall be signed by the inspector.

5607.6.5 Blasting hours. Blasting shall only be permitted between the hours of 9:00 am and 4:00 pm during any weekday, Monday through Friday, unless special circumstances warrant another time of day and special approval is granted by the Fire Chief.

5607.6.6 Fire Department inspections. The blaster shall permit Fire Department personnel to inspect the blast site and blast materials or explosives at any reasonable time.

5607.6.7 Fire Department witness of blasting. If a Fire Department witness is desired by the general contractor, and or blaster, arrangements shall be made at least 12 hours prior to the blast. Confirmation shall be made to the Fire Department no less than one hour prior to the blast. The Fire Department may assign a Department member to be present and observe the blast at their discretion.

5607.6.8 Blast notification to Fire Department. The blasting companies are required to notify the Fire Department on the day of a tentative blasting operation, between the hours of 8:00 am and 8:30 am.

5607.6.9 Seismograph monitoring. All blasting operations shall be monitored by an approved seismograph located at the nearest constructed structure. All daily seismograph reports shall be forwarded to the Fire Department by the end of the blast week.

EXCEPTION: Public Utility Companies are not required to seismographically monitor minor blasting operations.

5607.6.10 Confiscation. Any explosives which are illegally manufactured, sold, given away, delivered, stored, used, possessed, or transported shall be subject to immediate seizure by the Fire Chief, issuing authority, or peace officer. When a permit has been revoked or has expired and is not immediately renewed, any explosive is subject to immediate seizure.

ORDINANCE NO. _____

5607.7 Complaints regarding blasting operations. Post-blast inspections shall be required on all structures for which complaints, alleging blast damage, have been received. Such inspections shall be written within thirty (30) days of receipt of complaint.

5607.8 Fee for Permit to Blast. The blaster shall pay a fee for the Permit to Blast designated within the Fire Department Schedule of Fees. Unless otherwise designated within the approved Schedule of Fees, a Permit to Blast shall be site specific and a separate fee shall be charged to each Blast operation or for each Permit to Blast issued.

5607.9 Fire Department conditions. The Santee Fire Department may impose such additional conditions and procedures as it deems are reasonably necessary to protect the public health and safety based upon the peculiar and individual facts and circumstances of a particular blasting operation. The Fire Department shall provide the blaster with the additional conditions or procedures in writing and the blaster shall comply with those requirements until such time as the Fire Department is satisfied they are no longer required and cancels the additional requirements.

SECTION 15.20.050 Special Regulations. The following Section repeals and replaces Section 15.20.050 of the Santee Municipal Code.

Section 15.20.050

(A) **Establishment of geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited.** The limits referred to in Section 5704.2.9.6.1 of the International Fire Code in which the storage of flammable or combustible liquids in above-ground tanks outside of buildings is prohibited are hereby established as the jurisdictional limits of the City.

The storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited in all residential zones within the City of Santee. The storage of Class I and Class II liquids in above ground tanks for motor vehicle fuel-dispensing may be allowed in commercial or industrial zones within the City, providing that applicable provisions of Chapter 23 and 57 are met, and if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

(B) **Establishment of geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited.** The limits referred to in Section 5706.2.4.4 of the International Fire Code in which the storage of flammable or combustible liquids in above-ground tanks is prohibited are hereby established as the jurisdictional limits of the City.

The storage of Class I and Class II liquids in above ground tanks is prohibited in all residential zones within the City of Santee. The storage of Class I and Class

ORDINANCE NO. _____

Il liquids in above ground tanks for motor vehicle fuel-dispensing may be allowed in commercial or industrial zones within the City, providing that applicable provisions of Chapter 23 and 57 are met, and if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

(C) **Establishment of geographic limits in which the storage of liquefied petroleum gases is restricted for the protection of heavily populated or congested areas.** The limits referred to in Section 6104.2 of the International Fire Code, in which the storage of liquefied petroleum gas is restricted, are hereby established as the jurisdictional limits of the City.

The storage of liquefied petroleum gases are prohibited within residential zones within the City of Santee. The storage of liquefied petroleum gases are allowed within commercial or industrial zones within the City of Santee to a maximum quantity of 2,000-gallon water capacity, providing all applicable provisions of Chapter 61 are met, and in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

EXCEPTION: Liquefied Petroleum Gas may be allowed for residential use where no other gas service is provided and the quantity, location and use do not pose a significant problem.

(D) **Establishment of limits of districts in which storage of explosives and blasting agents is prohibited.** Limits in which storage of explosives and blasting agents is prohibited, are hereby established as the jurisdictional limits of the City.

Permanent storage of explosives and/or blasting agents shall be strictly prohibited within the City of Santee. Temporary storage may be allowed during set-up for excavation, demonstration, or other use, when proper permits have been obtained, all applicable provisions of Chapter 56 have been met, and when in the opinion of the Fire Chief, there are no significant hazards.

EXCEPTION: Small quantities of black powder and explosive materials may be stored and used when they are permitted by the applicable law enforcement agency and permitted by the Fire Department.

(E) **Establishment of geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited.** The limits referred to in Section 3506.2 of the International Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

The storage of flammable cryogenic fluids is prohibited within the City of Santee.

SECTION 15.20.060. Appeals. The following Section repeals and replaces Section 15.20.060 of the Santee Municipal Code.

ORDINANCE NO. _____

Section 15.20.060 Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Council. A letter of appeal shall be submitted to the City Clerk within 30 days from the date of the decision being appealed. The appeal shall be heard by the City Council at the next available meeting.

SECTION 15.20.070. New Materials, Processes or Permits. The following Section repeals and replaces Section 15.20.070 of the Santee Municipal Code.

Section 15.20.070 The City Manager, the Fire Chief and the Fire Marshal shall act as a committee to determine and specify, after giving affected person an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the *California Fire Code and International Fire Code*. The Fire Marshal shall post such list in a conspicuous place in the office of the City Clerk, at the bureau of fire prevention and distribute copies thereof to interested persons.

SECTION 15.20.080. Penalties. The following Section repeals and replaces Section 15.20.080 of the Santee Municipal Code.

Section 15.20.080(A) Any person who violates any provision of this Ordinance or of the code or standards adopted by reference in this Ordinance, is guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalties shall not prevent the enforced removal of prohibited conditions.

Chapter 15.22

CALIFORNIA EXISTING BUILDING CODE

Sections:

15.22.010 Adoption.

15.22.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

The California Existing Building Code, 2016 edition, Chapter 15.22 is adopted by

reference without change to Buildings and Construction Title 15.

Chapter 15.24

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

15.24.010 Adoption.

15.24.010 Adoption of the 2016 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city green building code for the purpose of enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2016 California Green Building Code, Part 11, Title 24 California Code of Regulations, a portion of the California Building Standards Code. Except as otherwise provided by this Chapter and Chapter 15.02 of the City of Santee Municipal Code, planning, design, operation, construction, use and occupancy of every newly constructed building or structure shall conform with the 2016 California Green Building Code, published by the California Building Standards Commission.

Chapter 15.26

REFERENCED STANDARDS CODE

Sections:

15.26.010 Adoption.

15.26.010 Adoption of the 2016 California Referenced Standards Code, Part 11, Title 24 of the California Code of Regulations.

The California Referenced Standards Code, 2016 edition, Chapter 15.26 is adopted by reference without change to Buildings and Construction Title 15.

SECTION 5: If any provision or clause of this Ordinance or the application thereof is held unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance which can be implemented without the invalid provision, clause, or application, it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, adopted and/ or ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, and/or phrases may be declared invalid or unconstitutional.

ORDINANCE NO. _____

SECTION 6: This Ordinance shall become effective thirty (30) days after its passage.

SECTION 7: The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee held on the 12th day of October 2016, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the 26th day of October 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

**_____
RANDY VOEPEL, MAYOR**

ATTEST:

**_____
PATSY BELL, CMC, CITY CLERK**

City of Santee
COUNCIL AGENDA STATEMENT

6A

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE CONSIDERATION OF A REQUEST TO DETACH A 0.19-ACRE PORTION OF LAND FROM THE CITY OF SANTEE (LAKESIDE INVESTMENT COMPANY)

DIRECTOR/DEPARTMENT Melanie Kush, Development Services *MK*

SUMMARY

At the time of its incorporation in 1980, Santee's boundary was established by the San Diego Local Agency Formation Commission (LAFCO). In 1981, the boundary between the City of Santee and the County of San Diego was adjusted near the eastern terminus of Mast Boulevard that resulted in parcel split. Specifically, the revised boundary split a 34.07-acre parcel (APN: 379-024-23-00) between two jurisdictions. A 0.194-acre (8,450 square feet) portion near the southwest corner of the lot was placed within the City of Santee while the remainder of the parcel's land (33.876 acres) stayed in the County of San Diego's jurisdiction. The small portion within the City has remained without a land use designation and a zone district classification since 1981.

In November 2002, the County of San Diego approved a tentative map of 148 single-family homes ("Hillside Meadows") on the subject parcel. The map approval was conditioned to resolve this split jurisdiction. The current owner, Lakeside Investment Company, is working on an application to LAFCO to remove the split jurisdiction by aligning the City/County border with the parcel's southern boundary and thereby reestablishing the 1980 boundary.

A jurisdictional change would require LAFCO approval. For the LAFCO application to move forward, the City of Santee City Council must first adopt a resolution of support. This item is a request for direction from the City Council on whether to continue processing this detachment request. If the City Council is in favor of the detachment, staff would return at a later meeting with a resolution of support for the detachment as required by LAFCO.

The proposal would align the municipal boundary with existing parcel lines and remove uncertainty related to this 0.194-acre section of land. The realignment would also correct the City's land use and zoning maps as this segment of land has no assigned land use designation or zoning.

FINANCIAL STATEMENT *m*

Staff time and other expenses spent on this request will be fully funded by the developer/applicant.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION *KV for MB*

Provide direction to staff on consideration of a request for detachment of land from the City of Santee.

ATTACHMENTS Staff Report Land Use/Zoning Maps Applicant Letter

STAFF REPORT
CITY COUNCIL MEETING
10/12/2016



Figure 1
Hillside Meadows Reorganization

- Existing City Boundary
- Parcel Boundary

A. SITUATION AND FACTS

1. Requested byLakeside Investment Company
2. Land OwnerLakeside Investment Company
3. Type and Purpose of RequestRequest for detachment of a 0.194-acre portion of a 34.07-acre parcel from the City of Santee for inclusion into the County of San Diego.
4. LocationEastern border of the City of Santee at the terminus of Mast Boulevard.
5. APNA portion of 379-024-23-00
6. Site Area0.194 acre of a 34.07-acre parcel.
7. Hillside OverlayNo
8. Existing ZoningNone
9. Surrounding ZoningNorth: County of San Diego
South: R-2 (Low-Medium Density Residential)
East: County of San Diego
West: County of San Diego
R-2 (Low-Medium Density Residential)
10. General Plan DesignationNone
11. Existing Land UseUndeveloped
12. Surrounding Land UseNorth: Residences / Businesses
South: Vacant/Water Reservoir
East: Agriculture
West: Single Family Residences
13. TerrainRelatively flat

B. BACKGROUND

The boundaries of the City of Santee were established by San Diego Local Agency Formation Commission (LAFCO) at the time of City's incorporation in 1980. Shortly after incorporation, LAFCO approved a change in the City's jurisdictional boundary along the City's eastern border with the County of San Diego. This boundary change or "reorganization" affected a section of the border near the eastern terminus of Mast Boulevard.

The original municipal boundary of Santee followed the south portion of assessor's parcel number (APN) 379-024-23-00 as shown in Figure 1. The subsequent change modified the straight line portion of this border by creating a northward inverse "V" shaped segment which would have coincided with a planned alignment of Mast Boulevard and El Nopal as shown in Figure 2. This northward change in the boundary resulted in a 0.194-acre triangle of parcel 379-024-23-00 being placed in the City of Santee. The remaining 33.876 acres of this parcel remained within the jurisdiction of the County of San Diego.

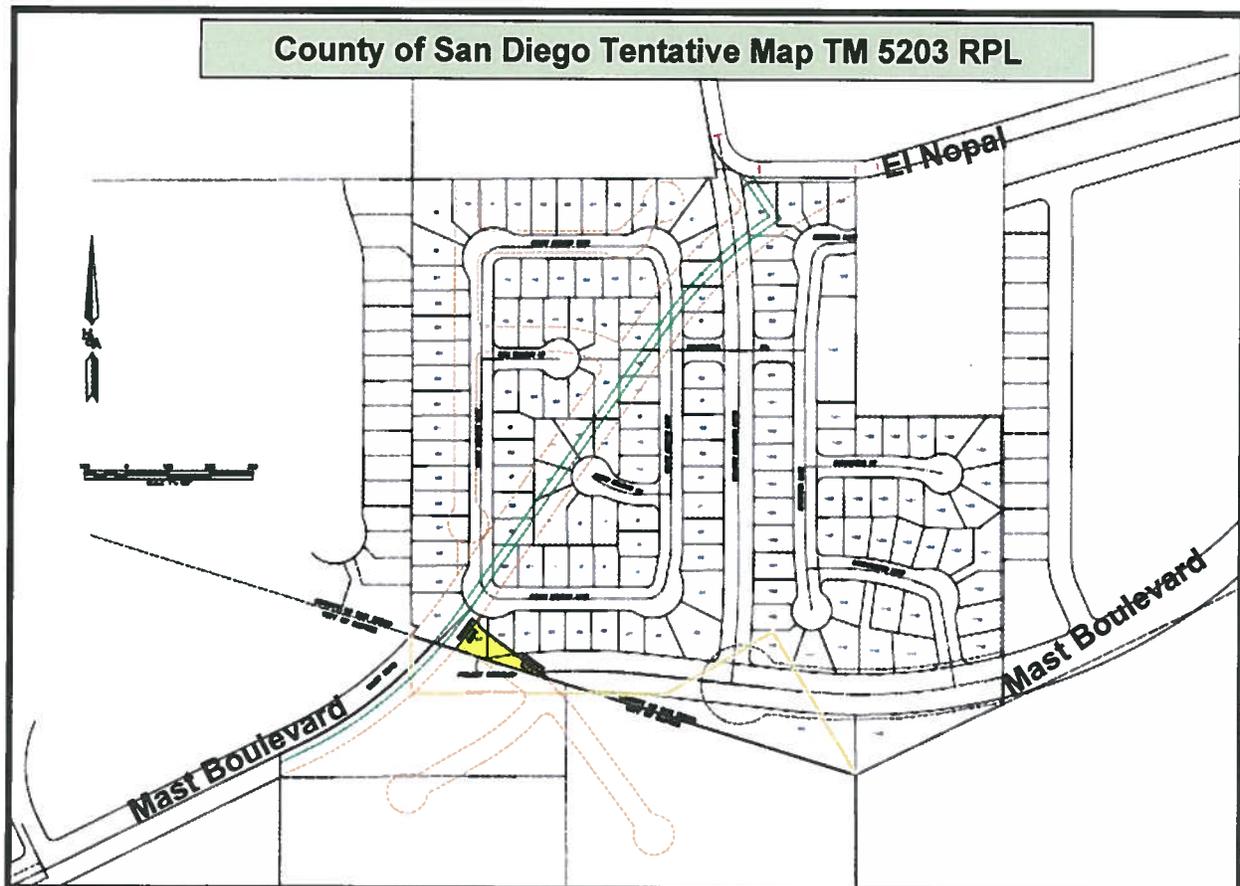


Figure 2

Lakeside Investment Company owns the subject parcel. The owner is finalizing a tentative subdivision map (TM No. 5203 RPL) approved by the County of San Diego in 2002. This tentative map approved 142 single-family residential lots with two open lots. In 2002, portions of three of the proposed lots appeared to be located within the City of Santee. At its approval, the County required the developer to prove that no portion of the tentative map fell within the City of Santee, or process a jurisdictional boundary adjustment. This map condition is still outstanding. The property owner is therefore seeking a detachment of the 0.194-acre (approximately 8,450 square feet) section of the subject parcel from the City of Santee (Lakeside Investment Company, L.P letter of August 25, 2016). If approved, the entire parcel would be located within the jurisdiction of the County of San Diego.

Reorganizations must be approved by LAFCO and will require concurrence from both the City of Santee and the County of San Diego. The County of San Diego staff has expressed verbal concurrence as approval of the final subdivision map requires this reorganization. The change does not affect other agencies such as Padre Dam Municipal Water District, County Service Area (CSA) 69 (Heartland Paramedics), or CSA 135 (San Diego Regional Communications/Fire Protection and EMS) as the site is already within the respective jurisdictions. The triangle-shaped land would be annexed into the Lakeside Fire Protection District, who has informally agreed to this change.

C. ANALYSIS

The proposal is to detach a triangular shaped 0.1940-acre segment from the City of Santee. If detached, the area shown in Figure 3 would then come under the jurisdiction of the County of San Diego. The 0.194-acre site has no specific land use designation or zoning classification as Santee's General Plan land use and zoning maps are parcel based and this parcel is not located within Santee. If no action is taken, City Council action would later be required to assign a land use designation and zone district to the 0.194-acre site.

The proposal would align the municipal boundary with existing parcel lines which has the benefit of simplifying development of both adjacent parcels and correcting the City's land use and zone district maps to reflect the 1980 boundary.

Detachment would facilitate the County's final map approval on the 34.07-acre parcel. This approval requires that Mast Boulevard be extended for an approximate distance of 500 feet, in the County, to serve the development. This street extension, entirely within the County's jurisdiction, does not have an effect on the City of Santee's policy to not connect Mast Boulevard to the County's roadway segment.

If given authority to process this request, staff would return with a resolution in support of this detachment. The applicant would include the resolution with the LAFCO application.

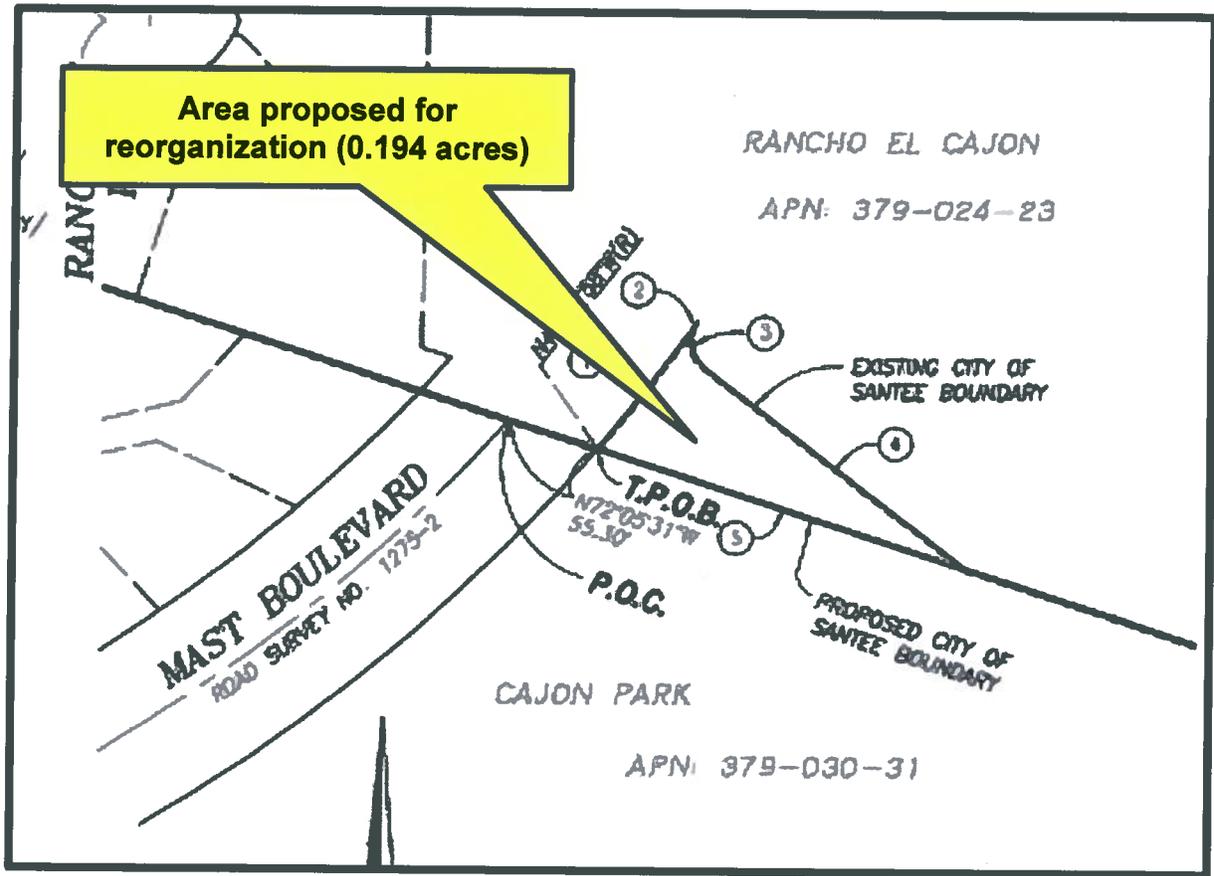


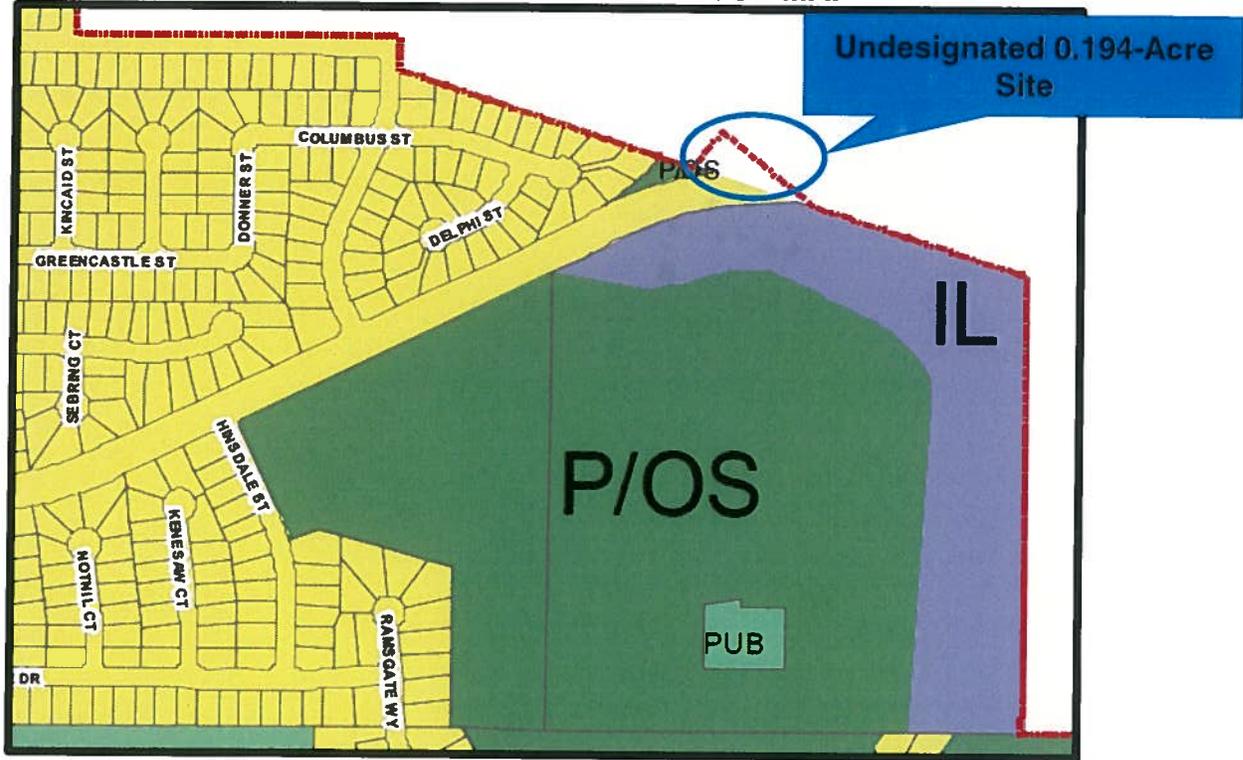
Figure 3

D. STAFF RECOMMENDATION

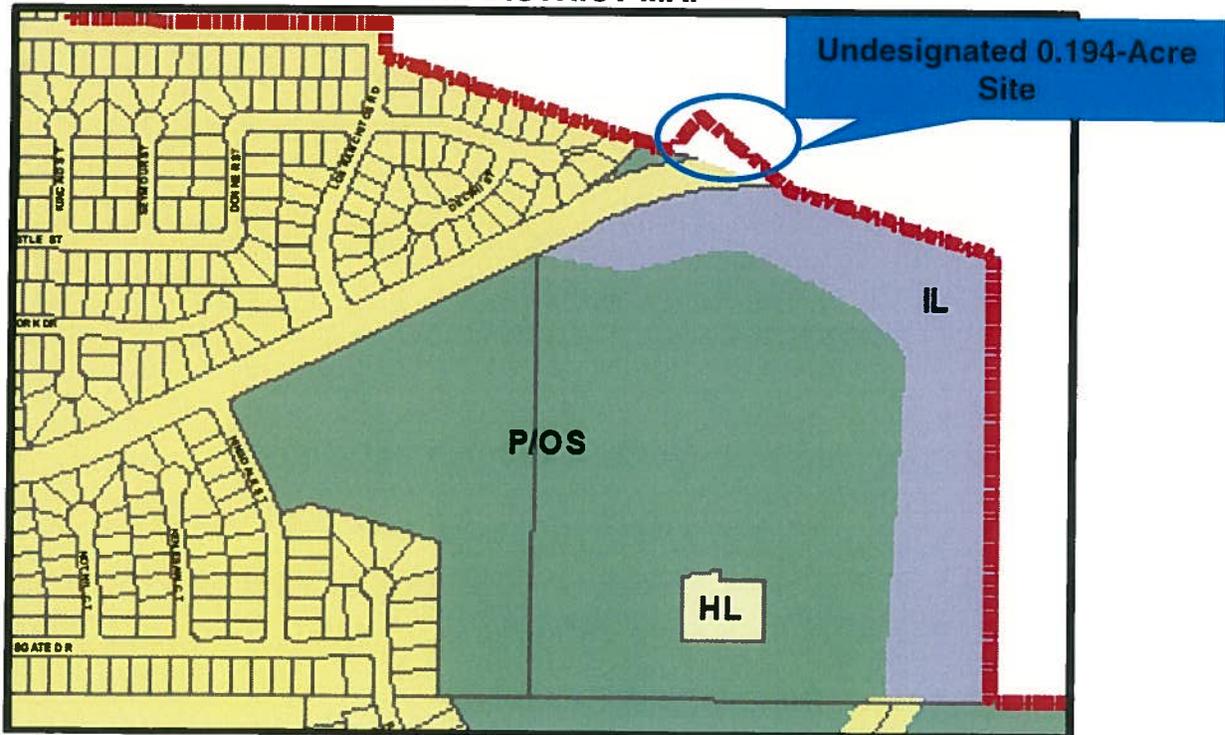
Provide direction to staff on this detachment request.

October 12, 2016
Reorganization Request
Attachment

GENERAL PLAN LAND USE MAP



ZONE DISTRICT MAP

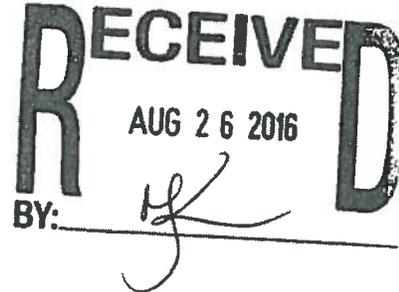


Lakeside Investment Company, L. P.

9370 Sky Park Court, Suite 230, San Diego, CA 92123, (858) 268-3210, Facsimile (760) 230-6995

August 25, 2016

Melanie Kush, Planning Director
CITY OF SANTEE
Department of Development Services
10601 Magnolia Ave
Santee, California 92071



Subject: Proposed "Hillside Meadows Reorganization"

Dear Melanie:

Thank you for meeting with Rich Miller and me last week to discuss the potential detachment of 0.194 acre from the City of Santee (Attachment 1). The subject area is a small part of an approximately 37.05 acre parcel (APN 379-024-23) that we own, which otherwise is entirely within the unincorporated County of San Diego. The 0.194 acre is outside the boundaries of the City of Santee General Plan and has neither a City land use designation nor zoning classification. The following narrative provides background, reasons for City support of the proposal and a commitment to pay all costs associated with a detachment from the City.

History

In November 1980, the LAFCO Executive Officer issued a Certificate of Completion (Doc. 1980-401123) for the Santee Reorganization, which included incorporation of the new City of Santee. The originally approved boundaries for the City of Santee as shown on the metes and bounds legal description did not include the 0.194 acre. The boundary between the newly formed City and County of San Diego was drawn along the historic Rancho El Cajon line.

In February 1981, LAFCO issued a revised Certificate of Completion (Document 1981-052979) which adjusted the boundary to split APN 379-024-23 between the County of San Diego and City of Santee. This action resulted in 0.194 of an acre or less than 1% of the parcel being placed within the City of Santee.

The County of San Diego in November 2002 approves Hillside Meadows (TM No. 5203 RPL¹) which provides for a single-family residential community and 2 industrial lots. Portions of a couple of residential lots are within the 0.194 acre in the City of Santee (Attachment 2). Condition 15. C. g. of the tentative map addresses detachment of this sliver of land from the City of Santee which requires support from the City and LAFCO approval.

In 2003, the City of Santee adopts General Plan 2020. The area in question is not included within the boundaries of the City General Plan and is not assigned a land use designation. The zoning map adopted in the same year to reflect the updated General Plan includes the portion of the parcel within the zoning map but does not implement a City of Santee zoning classification.

Reorganization Request
October 12, 2016

Melanie Kush, Planning Director
August 25, 2016
Page 2

Three years later, the County of San Diego erroneously issues a letter stating that Condition 15. C. g. has been satisfied based on the original boundaries approved by LAFCO rather than the revised Certificate of Completion issued by the Executive Officer. Based on a subsequent review of the second legal description contained in the revised Certificate of Completion, the condition has not been addressed and the small portion of the map is actually within the City of Santee.

Proposal

The Cortese Knox Hertzberg Act of 2000, the portion of the California Government Code that establishes laws overseeing LAFCOs, allows a City to terminate a detachment. Government Code Section 56751 (a-d) provides for either a pre-hearing before LAFCO or adoption of a City resolution showing support for the proposal.

We propose that the 0.194 acre area be detached from the City of Santee to comply with the County Tentative Map condition. Fire protection will need to be provided by the Lakeside Fire Protection District which will be serving all of the other homes approved for Hillside Meadows. The two actions (detachment and annexation to the fire district) define the proposal as reorganization.

Attachment 3 is a draft resolution of application for your review and consideration. Approval of the resolution would indicate: (1) the support described in Government Code Section 56751(d), (2) avoid the need for an unnecessary pre-hearing at LAFCO and (3) allow the owner to proceed with a formal application.

Full City Cost Recovery

Enclosed is a check made out to the City of Santee for an initial deposit of \$10,000. We recognize that all aspects of the proposal shall be full cost recovery for any City or legal staff time. If the City supports the application by adopting the attached resolution, it will be our responsibility to prepare, file and process the reorganization through the San Diego LAFCO.

Justification

A number of reasons would support detachment from the City:

1. The original City incorporation boundary did not include this small portion (0.194 acre) of a larger (37.05 acres) assessor parcel. City boundaries do not customarily divide a legal parcel.
2. The detachment from the City of Santee is a condition of a County approved Tentative Map. The city boundary currently overlaps portions of a couple of residential lots.
3. The administrative correction to the City's boundaries by LAFCO several decades ago appears to be for a former road alignment that was considered but later withdrawn from consideration by both the City of Santee and County.

Reorganization Request
October 12, 2016

Melanie Kush, Planning Director
August 25, 2016
Page 3

4. The property is neither designated by the City General Plan nor zoned.
5. Approval of the proposal will simplify maintenance responsibilities for Mast Boulevard between the City and County. The reorganization will not affect the City's decision regarding the connection of the two segments of Mast Boulevard.
6. Support for the proposal will place all of the approved residential subdivision within the Lakeside Fire Protection District rather than requiring City emergency personnel to drive significantly out-of-the way to serve a new neighborhood that, other than the 0.194 acre, is entirely located within the unincorporated County.

We appreciate your positive consideration of the proposed reorganization including a detachment from the City of Santee. If you have any questions, please feel free to call me or our consultant, Rich Miller of MetroPlan, LLC (858 335-9344).

Sincerely,



Randy K. Lang

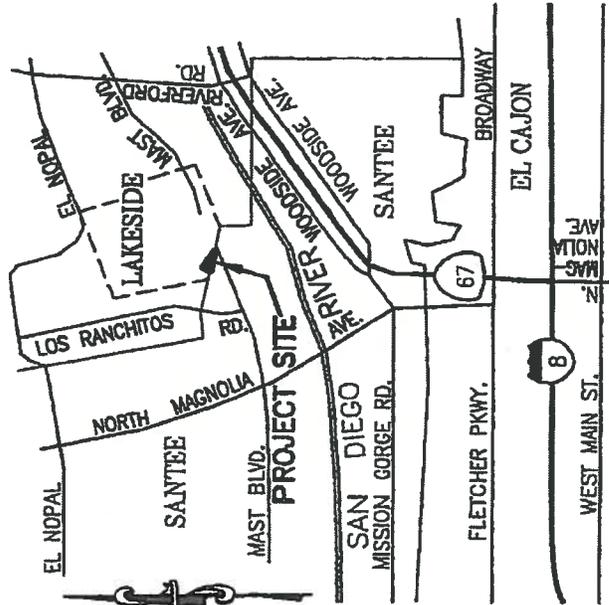
Cc: John O'Donnell, Department of Development Services
Scott Johnson, Department of Development Services
Richard Miller, MetroPlan

- EXISTING CITY OF SANTEE BOUNDARY
- PROPOSED CITY OF SANTEE BOUNDARY
- EXISTING PARCELS

COURSES:

- 1 — $\Delta=04^{\circ}52'08''$ R=1051.00' L= 89.31'
- 2 — N $35^{\circ}10'54''$ E, 7.10'
- 3 — $\Delta=87^{\circ}48'41''$ R= 20.00' L=30.65'
- 4 — S $52^{\circ}37'47''$ E, 198.20'
- 5 — N $72^{\circ}05'31''$ W, 231.53'

0.194 ACRES



VICINITY MAP

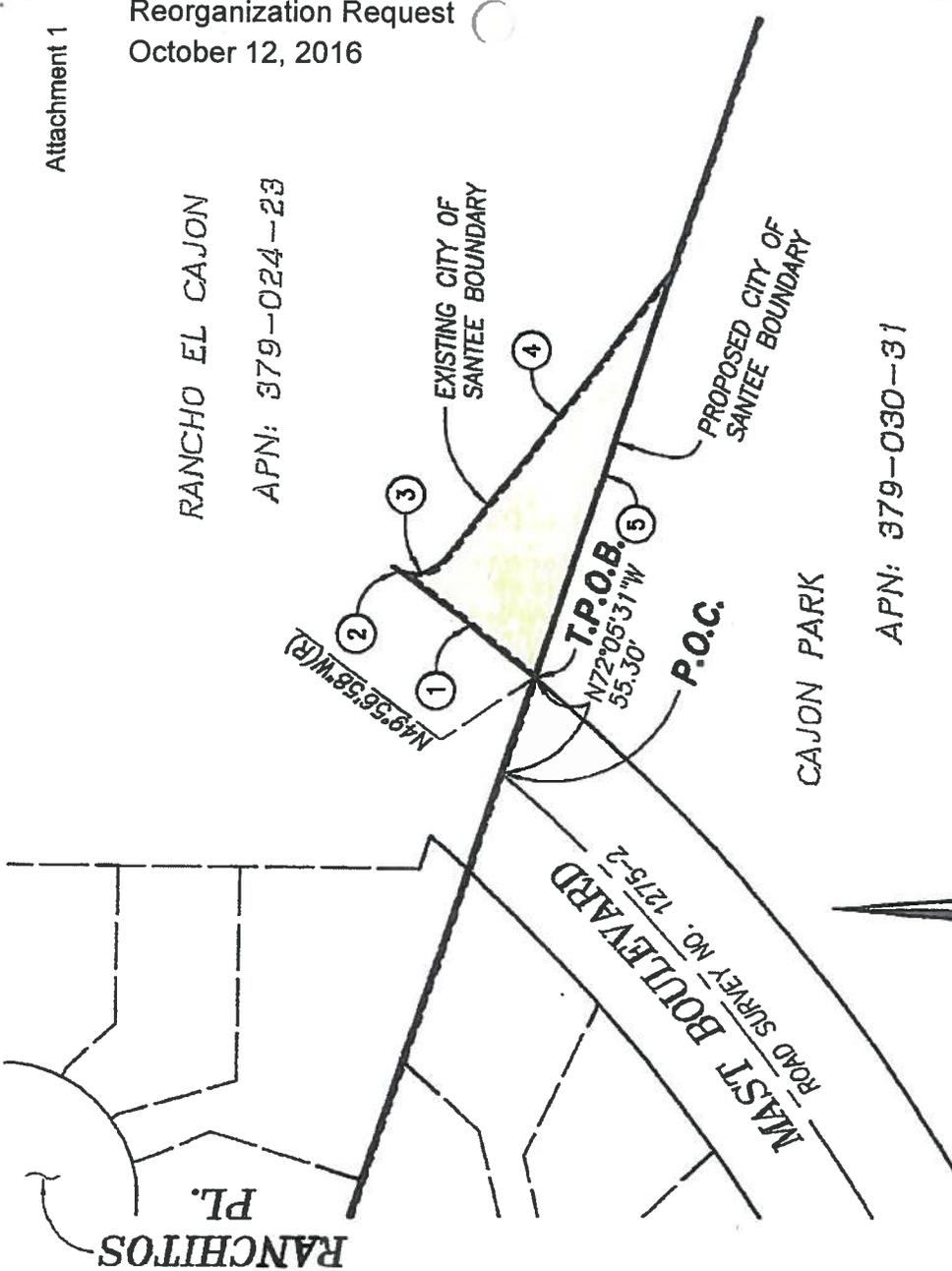
NOT TO SCALE

Attachment 1

Reorganization Request
October 12, 2016

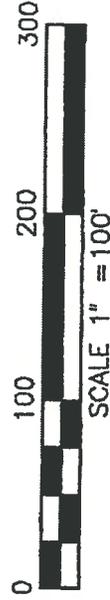
RANCHO EL CAJON

APN: 379-024-23



CAJON PARK

APN: 379-030-31



DISCLAIMER:

"FOR ASSESSMENT PURPOSES ONLY. THE DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

ASSESSOR'S PARCEL NUMBER: 379-024-23	LAFCO RESOLUTION NO. _____	ACREAGE 0.194	DATE: 7/12/2018	SCALE: 1"=200'
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ANNEXATION NO. _____
 BEING A PORTION OF TRACT "B" OF THE
 RANCHO EL CAJON, IN THE COUNTY OF
 SAN DIEGO, STATE OF CALIFORNIA



HUNSAKER & ASSOCIATES SAN DIEGO, INC.
 PLANNING - ENGINEERING - SURVEYING
 9707 WAPLES STREET, SAN DIEGO, CA 92121
 (658) 558-4500 - FAX (658) 558-1414

EXISTING CITY OF SANTEE BOUNDARY



City of Santee
COUNCIL AGENDA STATEMENT

6B

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE ADOPT RESOLUTION AUTHORIZING THE PURCHASE OF ONE NEW 2017 FORD F-250 CAB AND CHASSIS WITH UTILITY BODY FROM DOWNTOWN FORD SALES PER STATE OF CALIFORNIA CONTRACT #1-16-23-20A AND DECLARING ONE VEHICLE SURPLUS PROPERTY

DIRECTOR/DEPARTMENT Richard Smith, Fire Chief 

SUMMARY

This item requests City Council authorization to purchase one new 2017 Ford F-250 4X2 Cab and Chassis with added utility body for the Fire Department to be used for fleet shop services. This vehicle will replace vehicle V#096, a 1997 Ford F-250 service truck that is 20 years old and has exceeded its useful life.

Santee Municipal Code 3.24.180 authorizes the City to purchase equipment and supplies from a vendor at a price established by competitive or competitively negotiated bid by another public agency as long as that bid substantially complied with the formal bidding procedures in Santee Municipal Code Section 3.24.110. In February 2016, the State of California Department of General Services (CA DGS) conducted a competitive process, substantially complying with Santee's Municipal Code, for procurement of fleet vehicle trucks/pickups. Based on the requirements for the lowest responsive responsible bidder offering the best overall quality and selection of products and services, Downtown Ford Sales was a vendor awarded Contract #1-16-23-20A for various size trucks/pickups for a two-year term beginning February 22, 2016.

Santee's Purchasing Ordinance requires City Council approval of all purchases exceeding \$20,000. Staff recommends utilizing CA DGS Contract #1-16-23-20A to purchase one new 2017 Ford F-250 4x2 Cab and Chassis with added utility body and five-year extended warranty from Downtown Ford Sales for an all-inclusive amount of \$44,376.99.

Other miscellaneous accessories will be purchased from other vendors for an additional amount not to exceed \$6,903.01.

CITY ATTORNEY REVIEW N/A Completed

FLEET MANAGER REVIEW N/A Completed

FINANCIAL STATEMENT 

Funding for this vehicle is included in the FY 2016-17 Vehicle Replacement Fund adopted budget.

RECOMMENDATION  - Adopt Resolution

1. Authorizing the purchase of one new 2017 Ford F-250 4x2 Cab and Chassis with added utility body from Downtown Ford Sales for an amount not to exceed \$44,376.99; and
2. Declaring vehicle V#096, a 1997 Ford F-250 service truck, surplus upon receipt and acceptance of the new vehicle and directing sale of surplus vehicle at public auction; and
3. Authorizing the City Manager to execute all necessary documents.

ATTACHMENTS

Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA
AUTHORIZING THE PURCHASE OF ONE NEW 2017 FORD F-250 CAB AND
CHASSIS WITH UTILITY BODY FROM DOWNTOWN FORD SALES
PER STATE OF CALIFORNIA CONTRACT #1-16-23-20A
AND DECLARING ONE VEHICLE SURPLUS PROPERTY**

WHEREAS, the City of Santee FY 2016-17 budget includes funding for the replacement of vehicle V-096, a 1997 Ford service truck, that has exceeded its useful life and is over 20 years old; and

WHEREAS, Santee Municipal Code 3.24.180 authorizes the City to purchase equipment, supplies and related services from a vendor at a price established by competitive or competitively negotiated bid by another public agency as long as that bid substantially complied with the formal bidding procedures in Santee Municipal Code Section 3.24.110; and

WHEREAS, in February 2016, State of California Department of General Services (CA DGS) conducted a competitive process, substantially complying with Santee's Municipal Code, for procurement of fleet vehicle trucks/pickups; and

WHEREAS, Downtown Ford Sales was one of the vendors awarded CA DGS Contract #1-16-23-20A for a variety of fleet vehicle trucks/pickups for a two-year term beginning February 22, 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Santee, California, that it hereby:

1. Authorizes the purchase of one (1) new 2017 Ford F-250 4x2 Cab and Chassis with added utility body and five-year extended warranty from Downtown Ford Sales for an all-inclusive amount of \$44,376.99, and authorizes purchase of other miscellaneous accessories from other vendors for an additional amount not-to-exceed \$6,903.01.
2. Declares vehicle V-096, a 1997 Ford F-250 service truck, surplus upon receipt and acceptance of the new vehicle and directs sale of vehicle V-096 at public auction.
3. Authorizes the City Manager to execute all necessary documents.

ADOPTED by the City Council of the City of Santee, California, at a Regular Meeting thereof held this 12th day of October, 2016, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

PATSY BELL, CMC, CITY CLERK

City of Santee
COUNCIL AGENDA STATEMENT

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA AUTHORIZING AN ADDITIONAL FUNDING SOURCE TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH MARION B. BORG ENVIRONMENTAL CONSULTING FOR "AS NEEDED" PLANNING AND ENVIRONMENTAL SERVICES ON LAND DEVELOPMENT PROJECTS THAT WOULD BE BOTH DEVELOPER FUNDED AND GRANT FUNDED

DIRECTOR/DEPARTMENT Melanie Kush, Director of Development Services 

SUMMARY

This item requests City Council adopt a resolution authorizing the Professional Services Agreement with Marion B. Borg Environmental Services to provide "as needed" planning and environmental services associated with land development application processing. The services provided offset department staffing needs and help balance the work load peaks. Ms. Borg has been assigned to several developer-funded projects: Walmart, Fanita Ranch, and the Calvary Chapel expansion on Summit Avenue. The Agreement with the City is attached for reference.

The Professional Services Agreement with Marion B. Borg Environmental Consulting was authorized and signed by the City Manager on April 22, 2015, pursuant to Section 3.24.170 (B) of the City of Santee Municipal Code, because the Agreement was to be entirely developer-funded. Due to a new funding source from a grant, City Council authorization of the Agreement is now required.

Specific to the grant source, on August 24, 2016, the City Council authorized the acceptance of a federal Section 6 Grant (\$188,798) for the preparation of the City's Multiple Species Conservation Plan – Subarea Plan and the environmental documents. Ms. Borg would assist the Director of Development Services to complete the scope of the grant. As such, this item requests City Council adopt the attached Resolution authorizing the existing Professional Services Agreement, which would now be funded by both developer and federal grant funds.

FINANCIAL STATEMENT 

Funding for the "as needed" services is currently paid by developers. City Council authorization would allow grant funding to offset the costs associated with the processing of the MSCP Subarea Plan, as specified in the scope of work in the Section 6 Grant.

CITY ATTORNEY REVIEW N/A Completed

RECOMMENDATION 

Adopt the Resolution authorizing the additional funding source to the Professional Services Agreement with Marion B. Borg Environmental Consulting for "as needed" planning and environmental services on land development projects that would be both developer funded and grant funded.

ATTACHMENTS

Resolution Professional Services Agreement

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA
AUTHORIZING AN ADDITIONAL FUNDING SOURCE TO THE EXISTING
PROFESSIONAL SERVICES AGREEMENT WITH MARION B. BORG
ENVIRONMENTAL CONSULTING FOR "AS NEEDED" PLANNING AND
ENVIRONMENTAL SERVICES ON LAND DEVELOPMENT PROJECTS THAT
WOULD BE BOTH DEVELOPER FUNDED AND GRANT FUNDED**

WHEREAS, Section 3.24.170 (B) of the City of Santee Municipal Code authorizes the City Manager to approve contracts that are paid directly from deposits posted by development project applicants for professional services required in conjunction with the processing or review of development applications; and

WHEREAS, on April 22, 2015, the City executed a Professional Services Agreement with Marion B. Borg Environmental Consulting to augment City staff with the review and processing of land development applications, funded by developer-funded accounts; and

WHEREAS, the City has obtained a federal Section 6 grant in the amount of \$188,798 for the preparation of the City's Multiple Species Conservation Plan – Subarea Plan, a portion of which is allocated to Marion B. Borg Environmental Consulting to assist the Director of Development Services complete the scope of the grant; and.

WHEREAS, it is requested that the City Council authorize the Professional Services Agreement with Marion B. Borg Environmental Consulting as a result of the grant funding that will be used to fund a portion of the cost of this contract.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Santee, California, as follows:

SECTION 1: The City Council hereby authorizes the Professional Services Agreement with Marion B. Borg Environmental Consulting for "as needed" planning and environmental services on land development projects to be both developer funded and grant funded.

ADOPTED by the City Council of the City of Santee, California, at a Regular Meeting thereof held this 12th day of October 2016, by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

RANDY VOEPEL, MAYOR

ATTEST:

PATSY BELL, CMC, CITY CLERK

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF SANTEE
AND
Marion B. Borg Environmental Consulting**

This Agreement for Professional Services ("Agreement") is made and entered into this 22nd day of April, 2015, by and between the City of Santee ("City"), a charter city organized and operating under the laws of the State of California and Marion B. Borg Environmental Consulting, an Individual ("Consultant").

RECITALS

- A. City is a charter City and is in need of professional services as an Extension of Staff.
- B. Consultant is duly licensed and/or has the necessary qualifications to provide such services.
- C. The parties' desire by this Agreement to establish the terms for the City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit 'A' and hereby made a part of this Agreement by reference; provided, however, that the contents of this Agreement shall supersede any provision in Exhibit 'A' that is inconsistent herewith.

2. Compensation

- a. Subject to paragraphs 2(b) - (c) below, City shall pay for the services provided by Consultant in accordance with the Schedule of Charges set forth in Exhibit 'B' attached hereto and hereby made a part of this Agreement by reference; provided, however that the contents of this Agreement shall supersede any provision in Exhibit 'B' that is inconsistent herewith and provided that the City shall pay for the services only from funds provided by the developer deposit in a separate deposit account established for extension of staff work on the MSCP Subarea Plan and the Fanita Ranch projects, which are the projects for which the services will be provided. The City has no obligation to pay for services unless sufficient funds for such services are provided in the account for the projects on which the services are provided.
- b. Every two weeks (bi-weekly) Consultant shall furnish City with an original invoice for all work performed and expenses incurred during the preceding two weeks. The invoice shall detail charges by categories, including labor, travel, materials, equipment, supplies, sub-consultant charges and miscellaneous expenses. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in paragraph 2(c). In the event that any charges or expenses are disputed, the original invoice shall be returned by City to Consultant for correction and resubmission.
- c. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, City will use its best efforts to pay or cause Consultant to be paid within thirty (30) days following receipt of Consultant's invoice. Payment to Consultant for

work performed pursuant to this Agreement shall not be deemed to waive any defects in the work performed by Consultant.

3. **Additional Work**

Consultant shall not be compensated for any services outside of the Scope of Services, except as provided in this paragraph. If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, a change in the scope of work shall be processed by the City in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee, time schedule, or both. An amendment to this Agreement shall be prepared by the City and executed by both parties before performance of such additional services or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. **Maintenance of Records**

Books, documents, papers, accounting records, and other evidence pertaining to work done and costs incurred pursuant to this Agreement shall be maintained by Consultant and made available for inspection, audit and copying by the City at all reasonable times during the term of this Agreement and for four (4) years from the date of final payment under the Agreement.

5. **Ownership and Use of Work**

All documents and materials prepared pursuant to this Agreement shall be considered the property of City, and will be turned over to City upon demand, but in any event upon completion of the work. City reserves the right to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other documents and materials prepared under this Agreement without the permission of Consultant. All documents and materials shall be delivered in a reproducible form. As used herein, "documents and materials" include, but are not limited to, any original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, and computer files prepared or developed pursuant to this Agreement.

6. **Findings Confidential**

Any reports, information, data or materials given to or prepared or assembled by Consultant under this Agreement are confidential and shall not be made available to any individual or organization by Consultant without prior written consent of City.

7. **Conflict of Interest**

Consultant hereby expressly covenants that no interest presently exists, nor shall any interest, direct or indirect, be acquired during the term of this Agreement that would conflict in any manner with the performance of services pursuant to this Agreement.

8. **Term of Agreement and Time of Performance**

Consultant shall perform its services hereunder in a prompt and timely manner, and in accordance with the Scope of Services attached hereto as Exhibit 'A' and made a part hereof by reference; provided, however, that the contents of this Agreement shall supersede any provision in Exhibit 'A' that is inconsistent herewith. Work shall commence upon receipt of a written Notice to Proceed and/or Purchase Order from the City. The Notice to Proceed and/or Purchase Order shall set forth the date of commencement of the work. Unless a different date is set forth in the schedule of work to be performed pursuant to this Agreement, the term of this Agreement shall be for a period of one (1) year from the date of execution of this Agreement unless terminated sooner pursuant to the provisions of this Agreement or the Work is completed. Such term may be extended upon written agreement of both City and Consultant.

9. Delays in Performance

Neither the City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

10. Compliance with Law

- a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government. If Consultant's failure to comply with applicable laws, ordinances, codes and regulations results in a claim for damage or liability to City, Consultant shall be responsible for indemnifying and holding the City harmless as provided in this Agreement.
- b. Consultant shall assist the City, as requested, in obtaining and maintaining all permits, if any, required of Consultant by Federal, State and local regulatory agencies.

11. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

12. Assignment and Subconsultants

Consultant shall not assign, delegate, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. A consent to one assignment shall not be deemed to be consent to any subsequent assignment. Nothing contained herein shall prevent Consultant from employing independent associates and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

13. Independent Consultant

Consultant is retained as an independent Consultant and is not an agent or employee of the City. No employee or agent of Consultant shall by this Agreement become an agent or employee of the City. The work to be performed shall be in accordance with the work described in Scope of Services attached hereto as Exhibit 'A', subject to such directions and amendments from the City as herein provided. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

14. Integration

This Agreement represents the entire understanding of the City and Consultant as to those matters contained herein, and supersedes and cancels any prior oral or written understanding, promises or representations with respect to those matters covered hereunder. To the extent that any provision or clause contained in an exhibit or attachment to this Agreement conflicts with a provision or clause in the Agreement, the provision or clause in this Agreement shall control. This Agreement may not be modified or altered except in writing signed by both parties hereto. This is an integrated Agreement.

15. Insurance

a. Commercial General Liability

- (i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.
- (ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:
 - (1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001)
- (iii) Commercial General Liability Insurance must include coverage for the following:
 - (1) Bodily Injury (including death) and Property Damage
 - (2) Personal Injury/Advertising Injury
 - (3) Premises/Operations Liability
 - (4) Products/Completed Operations Liability
 - (5) Broad Form Property Damage
 - (6) Independent Consultants Coverage
- (iv) All such policies shall name the City of Santee, its City Council and each member thereof, its officers, employees, and agents as Additional Insureds under the policy.
- (v) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City.

b. Automobile Liability

- (i) At all times during the performance of the work under this Agreement the Consultant shall maintain Automobile Liability Insurance for bodily injury (including death) and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.
- (ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 0001 (ed. 6/92) covering automobile liability, Code 1 (any auto).
- (iii) The automobile liability program may utilize deductibles, but not a self-insured retention, subject to written approval by the City.

c. Workers' Compensation/Employer's Liability

- (i) At all times during the performance of the work under this Agreement the Consultant shall maintain workers' compensation in compliance with applicable statutory requirements and Employer's Liability Coverage in amounts indicated herein for all persons employed directly by Consultant to carry out the work contemplated under this Agreement. If the Consultant does not employ others, then the Consultant shall provide a written confirmation to that effect. Such written confirmation shall waive the requirements of this Section 15(c).
- (ii) Such insurance shall include an insurer's Waiver of Subrogation in favor of the City and will be in a form and with insurance companies acceptable to the City.

- (iii) If insurance is maintained, the workers' compensation and employer's liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City.
- (iv) Before beginning work, the Consultant shall furnish to the City satisfactory proof that he/she has taken out for the period covered by the work under this Agreement, full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof. Consultant shall require all subconsultants to obtain and maintain, for the period covered by the work under this Agreement, worker's compensation of the same type and limits as specified in this Section.

d. Minimum Policy Limits Required.

- (i) The following insurance limits are required for the Contract:

Combined Single Limit

Commercial General Liability	\$1,000,000 per occurrence/\$2,000,000 aggregate for bodily injury (including death), personal injury and property damage
Automobile Liability	\$1,000,000 per occurrence for bodily injury (including death) and property damage
Employer's Liability	\$1,000,000 per occurrence

e. Evidence Required.

- (i) Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 2010 (or insurer's equivalent) signed by the insurer's representative, Certificate of Insurance (most recent version of Acord 25 Form or equivalent), and Additional Insured Endorsement verifying compliance with the requirements above. All evidence of insurance shall be signed by a properly authorized officer, agent or qualified representative of the insurer and shall certify the names of the insured, any additional primary insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

f. Policy Provisions Required.

- (i) The City shall be named as an additional insured on the Commercial General Liability policy using form 2010 1185 or equivalent. Blanket endorsements may be accepted at City's discretion. All policies shall contain or shall be endorsed to contain a provision that advanced written notice of any cancellation, including cancellation for non-payment of premium, shall be provided to the City. Statements that the carrier "will endeavor" and "that failure to mail such notice shall impose no obligation and liability upon the company, its agents or representatives," will not be acceptable on endorsements. At the City's sole discretion, the requirement to endorse policies to provide advanced written notice of cancellation to the City may be waived upon the Consultant's agreement that it shall provide the City with copies of any notices of cancellation immediately upon receipt.

- (ii) General Liability and Automobile Liability insurance policies shall contain a provision stating that the Consultant's policies are primary insurance and that the insurance of the City or any named additional insureds shall not be called upon to contribute to any loss.

g. Qualifying Insurers.

- (i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

Insurance carriers shall be qualified to do business in California and maintain an agent for process within the State. Such insurance carrier shall have not less than an 'A-' policyholder's rating and a financial rating of not less than "Class VII" according to the latest Best Key Rating Guide. Due to market fluctuations in the Workers Compensation sector, the City reserves the right and at its sole discretion to review and accept the Consultant's proposed Workers compensation insurance.

h. Additional Insurance Provisions

- (i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.
- (ii) If at any time during the life of the Agreement, the Consultant fails to maintain in full force any insurance required by the Agreement documents the City may terminate the Agreement.
- (iii) The Consultant shall include all subconsultants as insureds under its policies or shall furnish separate certificates and endorsements for each subconsultant. All coverage for subconsultants shall be subject to all of the requirements stated herein.
- (iv) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.
- (v) Neither the City, nor its City Council, nor any member of thereof, nor any of the directors, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of the Contract.

16. Indemnification

To the fullest extent permitted by law, Consultant agrees to indemnify, defend (with independent counsel approved by the City) and hold harmless the City and its officers, employees and elected and appointed officials, and volunteers (each, an "Indemnified Party") from and against all liabilities (including without limitation all claims, losses, damages, penalties, fines, and judgments, associated investigation and administrative expenses, and defense costs, including but not limited to reasonable attorneys' fees, court costs and costs of alternative dispute resolution) regardless of nature or type, expressly including but not limited to those arising from bodily injury (including death) or property damage, arising out of or resulting from any error or negligent or wrongful act or omission of the Consultant, Consultant's agents, officers, employees, subconsultants, or independent consultants hired by Consultant under this Agreement. The Consultant's obligations apply regardless of whether or not a liability is caused or contributed to by the negligence (including passive negligence) or

other act or omission of an Indemnified Party, except to the extent that liability is caused by the active negligence or willful misconduct of an Indemnified Party. In such case, the Consultant's indemnification obligation shall be reduced in proportion to the Indemnified Party's share of liability for its active negligence or willful misconduct, if any. The acceptance or approval of the Consultant's work by an Indemnified Party shall not relieve or reduce the Consultant's indemnification obligation. The provisions of this Section 16 shall survive completion of the work under this Agreement or the termination of this Agreement and are not limited by the provisions relating to insurance.

17. Confidentiality

Consultant shall keep confidential all information, in whatever form, produced, prepared, observed or received by Consultant to the extent that such information is confidential by law or otherwise required by this Agreement.

18. Laws, Venue, and Attorneys' Fees

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of San Diego, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorneys' fees, as determined by the court.

19. Termination or Abandonment

- a. City may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice of termination to Consultant. In the event such notice is given, Consultant shall cease immediately all work in progress.
- b. Consultant may terminate this Agreement at any time upon thirty (30) days written notice of termination to City.
- c. If either Consultant or City fails to perform any material obligation under this Agreement, then, in addition to any other remedies, City or Consultant may terminate this Agreement immediately upon written notice.
- d. Upon termination of this Agreement, all property belonging to City which is in Consultant's possession shall be returned to City. Consultant shall furnish City with a final invoice for work performed by Consultant. City shall have no obligation to pay Consultant for work performed after termination of this Agreement.

20. Organization

Consultant shall assign Marion B. "Marni" Borg as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed as shown below and shall be effective upon receipt thereof.

CITY:
Name: Pedro Orso-Delgado
Title: Acting City Manager
City of Santee
10601 Magnolia Avenue
Santee, CA 92071-1222

CONSULTANT:
Attn: Marion B. Borg
Title Consultant
Marion B. Borg Environmental Consulting
13904 San Sebastian Way
Poway, CA 92064- 6707

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Severability and Waiver

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal. Waiver by any party of any portion of this Agreement shall not constitute a waiver of any other portion thereof.

24. Nondiscrimination

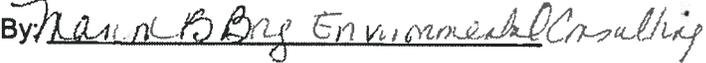
Consultant shall not discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age physical handicap, medical condition or marital status in connection with or related to the performance of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY OF SANTEE

CONSULTANT

By: 
Pedro Orso-Delgado, Acting City Manager

By: 

Date: 4-22-2015

Name: MARION B. BORG

Title: CONSULTANT

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: 
Shawn Hagerty

Date: 4/21/15

EXHIBIT 'A'

SCOPE OF SERVICES

1. Consultant: Marion B. Borg Environmental Consulting
2. Project Manager: Marion B. "Marni" Borg
3. Business Form of Consultant: Sole Proprietorship
4. Place of Business: 13904 San Sebastian Way, Poway, CA 92064; Telephone (619) 246-6730

5. General Duties:

Under the direction of the Director of Development Services, Marion B. Borg will function as a Planning and Environmental Consultant as an extension of staff on the City's MSCP Subarea Plan and the Fanita Ranch Project.

6. Scope of Work

The primary responsibility of the Planning and Environmental Consultant will be to provide development application processing, environmental review, assessment, and coordination support, and project related facilitation for the City's MSCP Subarea Plan preparation and the Fanita Ranch development project and their respective environmental review. At the Direction of the Director of Development Services, tasks will include:

MSCP Subarea Plan: oversight and coordination of outside consultant work (ICF Jones Stokes) to prepare the draft MSCP Subarea Plan and corresponding EIS/EIR for plan development. Includes supervision and coordination of public review of documents, review and facilitation of screen check drafts, preparation of staff reports to the City Council, and other duties as assigned or determined necessary by the Director of Development Services.

Fanita Ranch Development Project: Oversight and coordination related to the processing by the Planning Division of a development application, which may include a General Plan Amendment application, for the Fanita Ranch project and oversight and coordination –under City Staff direction-- related to the work performed by outside consultants to prepare a project level Environmental Impact Report for the Fanita development project. Includes supervision and coordination of public review of documents, preparation of staff reports to the City Council, and other duties as assigned or determined necessary by the Director of Development Services.

Coordination and Oversight of the Preparation of Environmental Documents: As directed by the Director of Development Services, coordinate the preparation and City staff review of City environmental documents such as Environmental Impact Statements, Environmental Impact Reports including supervision of Notices of Preparation, review and facilitation of screen check drafts, coordination of public review of documents, preparation of staff reports to the City Council, and other duties as assigned or determined necessary by the Director of Development Services

7. Contract Administrator(s): All tasks associated with this contract shall be coordinated with, and have prior authorization by, the Director of Development Services who will have oversight administration of the contract. All work performed by the Planning and Environmental Consultant shall be performed to the satisfaction of the Director of Development Services.

EXHIBIT 'B'

SCHEDULE OF CHARGES

1. Compensation Hourly Rate Arrangement

For performance of the Defined Services by Consultant as herein required, City shall pay Consultant for the productive hours of time spent by Consultant in the performance of said Services, at the rates or amounts set forth in the Rate Schedule herein below according to the following terms and conditions:

a. Limitation without Further Authorization on Time and Materials Arrangement: At such time as Consultant shall have incurred time and materials equal to \$300,000 ("Authorization Limit"), Consultant shall not be entitled to any additional compensation without further authorization issued in writing and approved by the City. Nothing herein shall preclude Consultant from providing additional Services at Consultant's own cost and expense.

b. Rate Schedule:

<u>Category of Employee</u>	<u>Name of Consultant</u>	<u>Hourly Rate</u>
Planning/Environmental Consultant	Marion B. Borg	\$140.00

c. Materials Reimbursement Arrangement: For the cost of out of pocket expenses incurred by Consultant in the performance of services herein required, City shall pay Consultant at the rates or amounts set forth below:

None, the compensation defined in the Rate Schedule includes all costs.

2. Invoice Processing

Consultants billing to be submitted bi-weekly (every two weeks).

**AMENDMENT TO AGREEMENT BETWEEN
CITY OF SANTEE AND MARION B. BORG ENVIRONMENTAL CONSULTING**

THIS FIRST AMENDMENT ("Amendment") is made and entered into as of 12/17, 2015 by and between the City of Santee, a municipal corporation "City" and Marion B. Borg Environmental Consulting ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with respect to the following facts and purposes:
 - A. On April 22, 2015, the City and Consultant entered into an Agreement for planning and environmental services as extension of staff on the City's MSCP Subarea Plan and Fanita Ranch Project ("Agreement")
 - B. The parties now desire to amend the Agreement as set forth in this Amendment to change the Scope of Work.
2. This Amendment is authorized by Section 3 "Additional Work" of the Agreement.
3. This Amendment will modify the Agreement in the following way:
 - A. Amend Section 2a of the Agreement (Compensation) to add "and other Santee projects as assigned by the Director of Development Services" to allow compensation for work performed on Santee projects in addition to the MSCP Subarea Plan and Fanita Ranch, as directed by the Director of Development Services.
 - B. Amend Section 5 of Exhibit A of the Agreement (General Duties) to add "and other Santee projects as assigned by the Director of Development Services" to allow as needed planning and environmental services for Santee projects in addition to the MSCP Subarea Plan and Fanita Ranch, as directed by the Director of Development Services.
 - C. Amend Section 6 of Exhibit A of the Agreement (Scope of Work) to add:

"While the primary responsibility of the Consultant relates to the City's MSCP Subarea Plan and the Fanita Ranch project, the Consultant shall conduct planning and environmental consulting services on other developer-funded Santee projects, as directed by the Director of Development Services, on an as-needed basis."

4. Except for the changes specifically set forth herein and in any previous amendments, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed the day and year above written.

**Marion B. Borg
Environmental Consulting**

Marion B. Borg
Marion Borg, Consultant

12/14/15
Date

CITY OF SANTEE

Melanie Kush
Melanie Kush
Development Services Director

12/14/15
Date

Paul Malone
Paul Malone
Interim City Manager

12/16/15
Date

[Signature]
Approved as to Form City Attorney

12/17/15
Date

**CDC SUCCESSOR AGENCY
AGENDA STATEMENT**

9A

MEETING DATE October 12, 2016

AGENDA ITEM NO.

ITEM TITLE **RESOLUTION** **AMENDING** **PROFESSIONAL** **SERVICES**
AGREEMENTS FOR TAX ALLOCATION REFUNDING BONDS FINANCIAL ADVISOR AND
DISCLOSURE COUNSEL

DIRECTOR/DEPARTMENT

Tim K. McDermott, Treasurer *TM*

SUMMARY

On June 8, 2016 the Successor Agency adopted Resolution No. CDCSA 002-2016 which authorized the City Manager to execute professional services agreements with financing team consultants assembled to refinance \$45.7 million in outstanding tax allocation bonds. Included in this authorization were agreements with KNN Public Finance (as financial advisor) and Quint & Thimmig LLP (as disclosure counsel). Both of these agreements were structured on a contingent fee basis, meaning that fees would be paid to the consultants only upon the successful issuance of the tax allocation refunding bonds.

Discussions are ongoing in the California public finance community regarding the continuing appropriateness of the long standing practice of including certain provisions in the contracts of consultants working on bond issues for public agency clients, including the contingent nature of fees payable to such consultants. In light of these discussions and in order to protect the interests of the Successor Agency and the City, it is recommended that the contracts of KNN Public Finance, the financial advisor to the City and the Successor Agency, and Quint & Thimmig LLP, disclosure counsel, be amended to delete the contingent nature of the fees payable to these consultants.

The bonds are scheduled to be priced on October 25, 2016, at which point the actual savings from the refunding will be determined, with the transaction scheduled to close on November 8, 2016. No adverse impact is expected as a result of the requested contract amendments as it is nearly assured that the bond refunding transaction will be completed as planned.

FINANCIAL STATEMENT *TM*

No fiscal impact is expected as a result of the contract amendments, as there will be no change in the amount of fees to be paid to KNN Public Finance and Quint & Thimmig LLP once the bond transaction closes.

CITY ATTORNEY REVIEW

N/A Completed

RECOMMENDATION *MB by JB*

Adopt the attached resolution amending the professional services agreements with KNN Public Finance financial advisory services and Quint & Thimmig LLP for disclosure counsel services.

ATTACHMENTS (Listed Below)

1. Resolution
2. Contract Amendments (2)

RESOLUTION NO. CDCSA ____ - 2016

**RESOLUTION OF THE CDC SUCCESSOR AGENCY OF THE CITY OF SANTEE,
CALIFORNIA AMENDING PROFESSIONAL SERVICES AGREEMENTS FOR TAX
ALLOCATION REFUNDING BONDS FINANCIAL ADVISOR AND DISCLOSURE
COUNSEL**

WHEREAS, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.), the City Council of the City of Santee ("City") created the Community Development Commission of the City of Santee ("CDC"); and

WHEREAS, the CDC was responsible for implementing the Amended and Restated Redevelopment Plan for the Santee Community Redevelopment Project covering certain properties within the City ("Project Areas"); and

WHEREAS, in January 2005 the CDC issued \$23.1 million of Tax Allocation Bonds, 2005 Series A in order to refund and defease outstanding tax allocation bonds and to finance a portion of the Santee Community Redevelopment Project; and

WHEREAS, in March 2011 the CDC issued \$26.845 million of Tax Allocation Bonds, 2011 Series A and \$4.710 million of Tax Allocation Bonds, 2011 Series B in order to finance redevelopment activities within or of benefit to the Redevelopment Project including low and moderate income housing activities; and

WHEREAS, as part of the 2011-12 State budget bill, the California State Legislature enacted, and the Governor signed, companion bills AB 1X26 and AB 1X27; and

WHEREAS, on December 29, 2011, the California Supreme Court upheld, in large part, AB 1x26 and overturned AB 1x27, which dissolved all redevelopment agencies as of February 1, 2012; and

WHEREAS, on January 11, 2012 the City Council elected to become the successor agency to the CDC ("CDC Successor Agency"); and

WHEREAS, on June 8, 2016 the CDC Successor Agency adopted Resolution No. CDCSA 002-2016 which authorized the City Manager to execute professional services agreements with financing team consultants in order to consider the refunding and defeasance of the Tax Allocation Bonds, 2005 Series A and the advance refunding of the Tax Allocation Bonds, 2011 Series A and Tax Allocation Bonds, 2011 Series B, thereby realizing debt service savings that will benefit the City of Santee as well as the other affected taxing entities; and

WHEREAS, included in the authorization provided by Resolution No. CDCSA 002-2016 were agreements with KNN Public Finance to serve as financial advisor and Quint & Thimmig LLP to serve as disclosure counsel, both of which were structured on a contingent fee basis; and

RESOLUTION NO. CDCSA___ - 2016

WHEREAS, discussions are ongoing in the California public finance community regarding the continuing appropriateness of the long standing practice of including certain provisions in the contracts of consultants working on bond issues for public agency clients, including the contingent nature of fees paid to such consultants; and

WHEREAS, in light of these discussions and in order to protect the interests of the Successor Agency and the City it is recommended that the contracts of KNN Public Finance and Quint & Thimmig LLP be amended to delete the contingent nature of the fees payable to these consultants.

NOW THEREFORE BE IT RESOLVED, by the CDC Successor Agency of the City of Santee, California as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Amended Professional Services Agreements. The City Manager, serving in her role as the Executive Director for the CDC Successor Agency, is hereby authorized to execute an amendment to the agreements with KNN Public Finance and Quint & Thimmig LLP thereby deleting the contingent nature of the fees payable to these consultants.

ADOPTED by the CDC Successor Agency of the City of Santee, California at a Regular Meeting thereof held this 12th day of October 2016 by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

RANDY VOEPEL, CHAIR

ATTEST

PATSY BELL, CMC, SECRETARY

**AMENDMENT TO AGREEMENT
BETWEEN CITY OF SANTEE AND
KNN PUBLIC FINANCE
FOR 2016 TAX ALLOCATION BONDS
FINANCIAL ADVISORY SERVICES**

THIS FIRST AMENDMENT is made and entered into as of October 12, 2016 by and between the CITY OF SANTEE, a charter city organized and operating under the laws of the State of California (“City”) and KNN Public Finance, a California Limited Liability Company (LLC) (“Consultant”). The City and Consultant are sometimes referred to collectively herein as the “Parties”. In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with respect to the following facts and purposes:
 - A. On June 9, 2016, the City and Consultant entered into an Agreement for 2016 TAX ALLOCATION BONDS FINANCIAL ADVISORY SERVICES (“Project”); and
 - B. The City and Consultant have determined that a modification to the Agreement is necessary to eliminate the provision that the fee charged by the Consultant is contingent on the closing of the financing transaction.
2. This Amendment modifies the Agreement as follows:
 - A. Section 2 of the Agreement “Compensation”, Exhibit “B” to the Agreement “Schedule of Charges” and the Proposal to City from KNN Public Finance are hereby amended to eliminate the provision that the fee charged by the Consultant is contingent on the closing of the financing transaction.
 - B. The fee for the refunding of outstanding tax allocation bonds is \$75,000 upon the successful closing of the bond issue, payable out of bond proceeds. Should the transaction fail to be marketed or close, the fee would be \$65,000, payable from ROPS distributions to the Successor Agency. The reduction in the fee reflects the reduced work resulting from the elimination of pricing and closing activities.
3. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, and shall be effective upon the execution by both the City and the Consultant.

4. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed the day and year above written.

CITY OF SANTEE

KNN PUBLIC FINANCE

By: _____
Marlene Best, City Manager

By: _____
David Brodsly, Managing Director

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: _____

**AMENDMENT TO AGREEMENT
BETWEEN CITY OF SANTEE AND
QUINT & THIMMIG LLP
FOR 2016 TAX ALLOCATION BONDS
DISCLOSURE COUNSEL SERVICES**

THIS FIRST AMENDMENT is made and entered into as of October 12, 2016 by and between the CITY OF SANTEE, a charter city organized and operating under the laws of the State of California ("City") and QUINT & THIMMIG LLP, a California Limited Liability Partnership ("Consultant"). The City and Consultant are sometimes referred to collectively herein as the "Parties". In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with respect to the following facts and purposes:
 - A. On June 9, 2016, the City and Consultant entered into an Agreement for 2016 TAX ALLOCATION BONDS DISCLOSURE COUNSEL SERVICES ("Project"); and
 - B. The City and Consultant have determined that a modification to the Agreement is necessary to eliminate the provision that the fee charged by the Consultant is strictly contingent on the closing of the financing transaction.
2. This Amendment modifies the Agreement as follows:
 - A. Section 2 of the Agreement "Compensation", Exhibit "B" to the Agreement "Schedule of Charges" and the Proposal to Successor Agency to the Community Development Commission of the City of Santee from Quint & Thimmig LLP are hereby amended to eliminate the provision that the fee charged by the Consultant is strictly contingent on the closing of the financing transaction.
3. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, and shall be effective upon the execution by both the City and the Consultant.
4. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed the day and year above written.

CITY OF SANTEE

QUINT & THIMMIG LLP

By: _____
Marlene Best, City Manager

By _____
Brian D. Quint, Partner

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: _____