

Minutes

Santee City Council CDC Successor Agency Santee Public Financing Authority

Council Chamber – Building 2
10601 Magnolia Avenue
Santee, California
March 22, 2017

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 Chair/Authority Chair John W. Minto at 7:05 p.m.

Council Members present were: Mayor/Agency Chair/Authority Chair John W. Minto, Vice Mayor/Agency Vice Chair/Authority Vice Chair Ronn Hall and Council/Agency/Authority Members Stephen Houlahan and Brian W. Jones. Council/Agency/ Authority Member Rob McNelis arrived at 7:30 p.m.

Officers present were: City Manager/Agency 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, City Attorney and City Clerk shall be used to indicate Mayor/Agency Chair/Authority Chair, Vice Mayor/Agency Vice Chair/Authority Vice Chair, Council/Agency/Authority Member, City Manager/Agency Executive Director/Authority Secretary, City/Agency/Authority Attorney and City Clerk/Agency Secretary.)

The **INVOCATION** was given by Deacon Steven Andrew of the World Mission Society Church of God and the **PLEDGE OF ALLEGIANCE** was led by Padre Dam Board Member Doug Wilson.

PRESENTATION: Recognition of Academic League Champions

Mayor Minto introduced Grossmont Union High School Superintendent Tim Glover and District Academic League Co-Coordinator Steve Haiman who then introduced the members of the Santana Sultans Varsity Team and the West Hills Wolf Pack Junior Varsity Team. Council Members presented each of the team members with individual Certificates of Achievement, as well as Certificates of Recognition from Assemblyman Randy Voepel's office.

ANNOUNCEMENT: At Mayor Minto's request, Padre Dam Municipal Water District Board Member James Beasley and Diana Seneca, One Eyed Possum Productions, announced an upcoming charity event that will benefit the San Diego Christian College.

PRESENTATION: San Diego County Water Authority

San Diego County Water Authority General Manager Sandra Kerl provided a report on the Water Authority's long term water supply plan and litigation against the Metropolitan Water District utilizing a PowerPoint presentation and answered Council's questions. With Council consensus, staff was directed to prepare a letter and resolution in support.

Added Item:

CERTIFICATE OF RECOGNITION: Anita Bautista

With Council consensus, Mayor Minto presented Anita Bautista with a Certificate of Recognition honoring and recognizing her for being named Woman of the Year in the 71st Assembly District. The Mayor and each Council Member presented her with a lei.

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

City Clerk Bell announced that a Notice for a Public Hearing related to the CDBG funding was published for tonight's meeting. Prior to issuing the agenda, it was determined that the public hearing was no longer needed and therefore not included on the agenda.

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 Payment of Demands as presented.**
- (C) Approval of the expenditure of \$51,776.46 for February 2017 legal services and related costs.**
- (D) Authorization for the purchase of six new sets of Structural Firefighting Clothing (Turnouts) from Municipal Emergency Services per National Purchasing Partners Contract #2013-1 for an amount not to exceed \$14,817.60 resulting in a total FY 2016/17 amount not to exceed \$29,783.82 and authorization for the City Manager to execute all necessary documents.**
- (E) Rejection of two claims against the City by Michael Bailey and Sharon Bingham Yeager per Government Code Section 913.**
- (F) Adoption of a Resolution approving an amendment to the amended and restated Joint Exercise of Powers Agreement for Heartland Communications Facility Authority to add San Miguel Fire Protection District as a Joint Power Authority (JPA) Member Agency and authorization for the City Manager to execute the amendment.
(Reso 018-2017)**

ACTION: On motion of Council Member McNelis, seconded by Vice Mayor Hall, 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:**

This item was heard after Item 11 - City Attorney Reports.

5. **CONTINUED BUSINESS:** None

6. **NEW BUSINESS:**

(A) Consideration of next steps for development of a Multiplex Theater Project on the Cinema Parcel.

City Manager Best provided a report on the Multiplex Theater Project utilizing a PowerPoint presentation and answered Council's questions. Council discussion ensued regarding the various options for the next steps in the development process such as a Request for Proposals, Request for Quotes or direct negotiations. Also discussed were different options as to what could be included with the development of the theater. City Attorney Hagerty reminded Council that the deed with the County of San Diego limits and restricts the use of the land to only be a movie theater and a restaurant.

MOTION: Vice Mayor Hall moved to have staff pursue a Request for Qualifications. The motion was seconded by Council Member Houlahan.

PUBLIC SPEAKER: Van Collinsworth requested Council consider including other public facilities with the theater, such as a community center and library.

AMENDED MOTION: After further discussion, Vice Mayor Hall amended his motion to have staff pursue a Request for Proposals and for it to be completed within three months. Council Member Houlahan agreed to the amendment.

ACTION: After final comments, the amended motion to pursue a Request for Proposals for a multiplex theater on the Cinema Parcel, and that the process be completed within three months, carried with all voting aye.

(B) Authorize the execution of a professional services agreement with George Hills Company for third party administration of liability claims and appropriation of funds.

Director of Human Resources and Risk Management Bishop provided a staff report and answered Council's questions.

PUBLIC SPEAKER: Robert Gassmann spoke in opposition.

ACTION: After discussion, on motion of Vice Mayor Hall, seconded by Council Member McNelis, the authorization for the City Manager to execute a professional services agreement with George Hills Company to provide liability claims adjusting and administration services for an amount not to exceed \$21,000 plus allocated expenses for an initial term of April 1, 2017 through June 30, 2018, with the option to extend the contract for four additional one-year periods and appropriate \$4,200 from the General Fund reserve was approved with all voting aye.

(C) Report on Private and Public Corrugated Metal Pipe Storm Drain Systems throughout the City of Santee.

Director of Development Services Kush introduced the item and noted the item is being brought back at Council's direction in response to public comments received at the March 8th Council meeting. Principal Civil Engineer Schmitz and Finance Director McDermott provided a staff report utilizing a PowerPoint presentation and answered Council's questions.

City Attorney Hagerty reported that two *Claims for Damages* were filed with the City on Tuesday, April 21, 2017, specifically related to 9621 & 9629 E. Hartland Circle. He informed Council that they could add a Closed Session item to receive a legal briefing since the claims were filed after the issuance of the agenda.

MOTION: Mayor Minto moved to direct staff to: 1) meet with the owners of the two properties in jeopardy and enter into an agreement to take the necessary steps to repair the pipes and sink holes, which may include accepting the two easements; 2) look into various appropriate funding sources that could be utilized; and 3) identify other homes threatened by failing corrugated pipes and take appropriate action on a case by case basis. Vice Mayor Hall seconded the motion.

During discussion many options were discussed such as utilizing drainage impact fees, the cost to do an assessment of the entire storm drain system, utilizing a Community Facilities District, FEMA funding and various options for taking immediate action on the failing pipes.

AMENDED MOTION: At City Manager Best's suggestion to include the word "emergency" in the motion as there are certain provisions called for in the Municipal Code that allow staff to take immediate and appropriate action, Mayor Minto and Vice Mayor Hall amended the motion to refer to the matter as an "emergency."

PUBLIC SPEAKER: Patrick Catalano, representing six Santee homeowners, spoke regarding the corrugated pipe failures and asked the City Attorney to negotiate with him to reach a settlement for all of the claims (already filed and soon-to-be-filed), which include costs above and beyond the cost of the CMP repair and replacement. He stated he has hired a civil engineer to design appropriate repairs, an engineering contractor who will bid that design project, and then the information will be given to the City as a "demand."

City Attorney Hagerty recommended that the Council immediately go into Closed Session to receive a briefing in light of the speaker's comments.

ACTION: In accordance with Government Code Section 54954.2(b)(2), it was moved by Council Member Jones and seconded by Vice Mayor Hall to add the following Closed Session item:

Conference with Legal Counsel — Anticipated Litigation

(Gov. Code section 54956.9(d)(2))

Significant exposure to litigation: 2-6 cases

The motion carried with five aye votes.

Council Members convened in Closed Session at 9:19 p.m. with all Members present.

Council Members reconvened in Open Session at 9:41 p.m. with all Members present. Mayor Minto withdrew his motion directing staff to immediately mobilize and begin emergency repairs of the storm drains at the affected properties. He further reported that direction was given to the City Attorney regarding the pending litigation as identified by the public speaker.

7. COMMUNICATION FROM THE PUBLIC:

- (A) Alexandria Lowry distributed a handout to Council and expressed concerns with SANDAG's Mitigated Negative Declaration (MND) for the San Diego River Trail project.

Council Member Jones suggested he meet directly with Ms. Lowry to obtain more information and then report back to Council.

- (B) John Olsen questioned why the March 21st Council meeting for a City Council/Staff Planning Workshop was held in downtown San Diego.
- (C) Van Collinsworth spoke regarding the MND for the San Diego River Trail and encouraged the City to comment on the MND.

8. CITY MANAGER REPORTS: None

9. CDC SUCCESSOR AGENCY: None

10. SANTEE PUBLIC FINANCING AUTHORITY: None

11. CITY ATTORNEY REPORTS: None

City Council Reports were heard at this time.

4. CITY COUNCIL REPORTS:

Vice Mayor Hall reported he attended the California Park & Recreation Association District 12's awards ceremony with City Manager Best and Community Services Director Maertz in which the City won 2016 Best Facility and Park Design for Ken Collier Park and an Honorable Mention for the City's new special event, Fido Fest.

12. CLOSED SESSION: None

13. ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:00 p.m.

Date Approved: April 26, 2017

/s/ Patsy Bell

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