

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

December 1, 2015

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:15 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Cano, Mendivil, Morrison, Rios, Sotelo-Solis.
Administrative Officials present: Dalla, Deese, Denham, Duong, Manganiello, Parra, Raulston, Roberts, Rodriguez, Silva, Stevenson, Vergara, Williams, Ybarra.

Others present: Student Representative Reah Sahagun.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC COMMENTS

Sunshine Horton, El Cajon encouraged everyone to give of themselves, come together, smile and love each other in order to make the world a better place.

AWARDS AND RECOGNITIONS

PERSONNEL NEW EMPLOYEE INTRODUCTION PROGRAM (604-2-2)

1. Introduction of new employee: Gregory Rose, Property Agent. (Housing, Grants and Asset Management)

PRESENTATIONS

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2015
(102-10-10)**

2. 2016 Storm Water Calendar Presentation. (Engineering/Public Works)

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2015
(102-10-10)**

3. National City Host Lions Club OneSight San Diego Clinic Volunteer Certification Presentation.

ACTION: This item was pulled at request of Host Lions Club.

PRESENTATIONS (cont.)

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2015
(102-10-10)**

4. Free Resource and Energy Business Evaluation (FREBE) Program Update. South Bay Energy Action Collaborative (SoBEAC) / City of Chula Vista. **Companion Items #16 and #17**

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 5 (NCCMC), Item No. 6 (Minutes), Item Nos. 7 through 12 (Resolution No. 2015-175 through 2015-180), Item Nos. 13 and 14 (Warrant Registers). Motion by Sotelo-Solis, seconded by Mendivil, to pull Item No. 7, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

MUNICIPAL CODE 2015 (506-2-30)

5. MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)
ACTION: Approved. See above.

APPROVAL OF MINUTES

6. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF NOVEMBER 17, 2015. (City Clerk)
ACTION: Approved. See above.

GRANT / LIBRARY (206-4-10)

7. Resolution No. 2015-175. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING THE ACCEPTANCE OF A \$27,267 AUGMENTATION TO THE CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) GRANT, FISCAL YEAR 2015-16, FOR THE NATIONAL CITY LIBRARY'S LITERACY PROGRAM, INCREASING THE TOTAL AMOUNT OF THE GRANT FROM \$18,000 TO \$45,267, AND AUTHORIZING THE ESTABLISHMENT OF FUND APPROPRIATIONS AND A CORRESPONDING REVENUE BUDGET. (Library)
ACTION: Motion by Rios, seconded by Cano, to adopt the Resolution. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

CONTRACT (C2003-14)

8. Resolution No. 2015-176. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH KOFF & ASSOCIATES IN AN AMOUNT NOT EXCEED \$78,890 FOR THE COMPLETION OF A COMPREHENSIVE COMPENSATION STUDY AND ANALYSIS OF THE CITY'S CONFIDENTIAL, EXECUTIVE, MANAGEMENT, MUNICIPAL EMPLOYEES ASSOCIATION AND PART-TIME EMPLOYEE GROUPS. (Human Resources)

ACTION: Adopted. See above.

CONTRACT (C2013-35)

9. Resolution No. 2015-177. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: 1) ACCEPTING THE WORK OF PAL GENERAL ENGINEERING, INC. FOR THE COMMUNITY CORRIDORS IMPROVEMENT PROJECT, CIP NO. 12-05, 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$2,858,027.18, 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$142,901.42, AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT. (Engineering/Public Works)

ACTION: Adopted. See above.

PARKING & TRAFFIC CONTROL ADMIN 2015 (801-2-36)

10. Resolution No. 2015-178. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF "KEEP CLEAR" PAVEMENT MARKINGS ON THE WESTBOUND TRAVEL LANES OF W. 19TH STREET IN FRONT OF THE INGRESS AND EGRESS DRIVEWAYS SERVICING 1001 W. 19TH STREET. (Costco Optical Laboratory and Distribution Center) (TSC No. 2015-18) (Engineering/Public Works)

ACTION: Adopted. See above.

PARKING & TRAFFIC CONTROL ADMIN 2015 (801-2-36)

11. Resolution No. 2015-179. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CONVERSION AND INSTALLATION OF 30 FEET OF UNRESTRICTED CURBSIDE PARKING TO "YELLOW CURB", COMMERCIAL LOADING IN FRONT OF 1010 W. 19TH STREET. (Q.E.D. Systems, Inc.) (TSC No. 2015-19) (Engineering/Public Works)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

DEED (D2015-1)

12. Resolution No. 2015-180. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE PARCEL MAP AND ACCEPTING AN EASEMENT FOR EMERGENCY VEHICLE ACCESS FOR INGRESS AND EGRESS, ALONG AND ACROSS ALL THAT REAL PROPERTY SITUATED AT 240 NORTON AVENUE IN THE CITY OF NATIONAL CITY. (Engineering/Public Works)

ACTION: Adopted. See above.

WARRANT REGISTER JULY 2015 – JUNE 2016 (202-1-30)

13. Warrant Register #16 for the period of 10/14/15 through 10/20/15 in the amount of \$1,475,182.65. (Finance)

ACTION: Ratified. See above.

WARRANT REGISTER JULY 2015 – JUNE 2016 (202-1-30)

14. Warrant Register #17 for the period of 10/21/15 through 10/27/15 in the amount of \$2,502,135.51. (Finance)

ACTION: Ratified. See above.

PUBLIC HEARINGS

CONDITIONAL USE PERMITS 2015 (403-30-1)

15. Public Hearing – Conditional Use Permit for beer sales at Chipotle Restaurant located at 404 Mile of Cars Way. (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP) (Planning)

RECOMMENDATION: Staff recommends approval of the Conditional Use Permit.

TESTIMONY: Margaret Taylor and Joseph Cano appeared on behalf of the applicant and responded to questions.

ACTION: Motion by Sotelo-Solis, seconded by Cano, to close the Public Hearing. Carried by unanimous vote.

ORDINANCES FOR INTRODUCTION

MUNICIPAL CODE 2015 (506-2-30)

16. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING CHAPTER 6.04 OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING SECTION 6.04.210 TO EXTEND THE FREE RESOURCE AND ENERGY BUSINESS EVALUATION (FREBE) PROGRAM. (Planning) **Companion Items #4 and #17**

NON CONSENT RESOLUTIONS

CONTRACT (C2015-16)

17. Resolution No. 2015-181. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF CHULA VISTA TO PROVIDE IN-KIND SERVICES TO IMPLEMENT THE FREE RESOURCE AND ENERGY BUSINESS EVALUATION (FREBE) PROGRAM. (Planning) **Companion Items #4 and #16**

RECOMMENDATION: Adopt the Resolution authorizing the Mayor to execute the Memorandum of Understanding.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to adopt the Resolution. Carried by unanimous vote.

CONDITIONAL USE PERMITS 2015 (403-30-1)

18. Resolution No. 2015-182. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A CONDITIONAL USE PERMIT FOR BEER SALES AT CHIPOTLE RESTAURANT LOCATED AT 404 MILE OF CARS WAY. (Applicant: Chipotle Mexican Grill, Inc.) (Case File 2015-18 CUP) (Planning)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Cano, seconded by Mendivil, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison, Rios. Nays: Sotelo-Solis. Abstain: None. Absent: None.

NEW BUSINESS

MARTIN LUTHER KING JR. COMMUNITY CENTER (1101-5-1)

19. Request to use Martin Luther King Jr. Community Center (North & South Rooms) by National City College Campus Lions Club for their 8th annual Spirit of the Holidays toy and food giveaway to needy families of National City, on Saturday, December 19, 2015. Applicant anticipates approximately 300-450 families/children will be attending this year's event. The applicant is requesting a waiver of fees. (Engineering/Public Works)

RECOMMENDATION: Staff recommends approving the Facility Use Application with no waiver of fees.

TESTIMONY: Paul Robinson appeared on behalf of the applicant.

ACTION: Motion by Rios, seconded by Cano, to approve with waiver of fees. Carried by unanimous vote.

NEW BUSINESS (cont.)

CONDITIONAL USE PERMITS 2015 (403-30-1)

20. Notice of Decision – Planning Commission approval of a Conditional Use Permit for alcohol sales at a proposed Hooters Restaurant to be located in Westfield Plaza Bonita. (Applicant: Alcoholic Beverage Consulting on behalf of Hooters Restaurant) (Case File 2015-19 CUP) (Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: Steve Hearly appeared on behalf of the applicant and responded to questions.

ACTION: Motion by Rios, seconded by Mendivil, to set for Public Hearing. Carried by unanimous vote.

CONDITIONAL USE PERMITS 2015 (403-30-1)

21. Notice of Decision – Planning Commission approval of a Conditional Use Permit for a drive-through aisle as part of a new commercial building to be located at 1325 E. Plaza Blvd. (Applicant: Russell Stout & Associates) (Case File 2015-22 CUP) (Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

ACTION: Motion by Cano, seconded by Mendivil, to approve staff recommendation. Carried by unanimous vote.

TEMPORARY USE PERMITS 2015 (203-1-31)

22. Temporary Use Permit – Community Ice Skating Rink sponsored by the National City Chamber of Commerce at Morgan Square from December 10, 2015 to December 11, 2015 with no waiver of fees. (Neighborhood Services)

RECOMMENDATION: After preparation of the agenda it was determined that the applicant was requesting \$3,100 from the City as a co-sponsor. Staff recommends Approve of Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees and requests City Council direction on the matter of being a co-sponsor.

TESTIMONY: Jacqueline Reynoso, Chamber of Commerce President and CEO spoke in favor and responded to questions.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to approve the TUP including the co-sponsor request with no waiver of fees. The second was withdrawn.

Motion by Rios, to approve the TUP with waiver of fees and the \$3,100.00 co-sponsor fee. Motion died for lack of a second.

Motion by Sotelo-Solis, seconded by Rios, to approve with no waiver of fees and the City not be a co-sponsor for \$3,100.00. Carried by unanimous vote.

NEW BUSINESS (cont.)

TEMPORARY USE PERMITS 2015 (203-1-31)

23. Temporary Use Permit – 6th Annual Mabuhay Festival at Kimball Park on June 11, 2016 from 10 a.m. to 4 p.m. (Neighborhood Services)

RECOMMENDATION: Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees. Staff does not recommend the use of air-jumpers for this event.

TESTIMONY: Ditas Yamane, National City, responded to questions.

ACTION: Motion by Sotelo-Solis, seconded by Cano, to approve staff recommendation. Carried by unanimous vote.

MUNICIPAL CODE 2015 (506-2-30)

24. Presentation of AB 243, discussion of the recent state adopted legislation providing for state regulation of the cultivation of marijuana (AB 243) unless there is a local ordinance prohibiting or regulating cultivation in effect prior to March 1, 2016, whether the City Council as a policy decision seeks to prohibit or regulate the cultivation, and seeking direction to staff regarding a potential cultivation ordinance (regulation or prohibition). (Planning/City Attorney)

RECOMMENDATION: Provide direction to staff.

TESTIMONY: Cynara Velazquez, San Diego, spoke in support of marijuana cultivation.

Zack Lazaras, no residence provided, spoke in support of marijuana cultivation.

Veronica Cuevas, National City, spoke in support of marijuana cultivation.

Joseph Blachard, National City, spoke in support of marijuana cultivation.

Dr. David Blair, Chula Vista, spoke in support of marijuana cultivation.

Michael Mossbarger, National City, spoke in support of marijuana cultivation.

John Borjn, National City Chamber of Commerce, supports local regulation rather than prohibition.

EX PARTE DISCLOSURE: Members Morrison and Rios reported that they watched the web-cast of the Planning Commission meeting. Member Mendivil reported that he met with the proponents of cultivation.

Jacqueline Reynoso, National City Chamber CEO read a letter from the Chamber supporting local regulation of marijuana cultivation but not prohibition.

Jessie Navarro, San Diego, spoke against marijuana cultivation.

ACTION: No vote taken.

COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY

NO AGENDA ITEMS

STAFF REPORTS

FINANCE DEPT ADMIN (1104-1-13)

25. Recognition of Fiscal Year 2016 Adopted Budget Cover Photo Contest
Winner: Dora Gallegos. (Finance)

ENGINEERING DEPT - GRANTS / REPORTS ADMIN (1104-1-1)

26. Update on Improvements to National City Library, Council Chambers, and
Large Conference Room. (Engineering/Public Works)

LAS PALMAS PARK ADMIN (702-3-1)

27. Update on interim skate park location at Las Palmas Park. (Community
Services)

HUMAN RESOURCES DEPT ADMIN (1104-1-2)

28. 2015 Holiday Closure and Employee Work Furlough. (Human Resources)

MAYOR AND CITY COUNCIL

Member Mendivil said he will continue to advocate for people and businesses to do come clean-up in the city, said he looked forward to updates on the Shopping cart program which seems to be working as well as to hear about the Alpha Project. Member Mendivil said he was hoping to find out the name of the volunteer group that regularly cleans the flood channel.

Member Sotelo-Solis expressed appreciation to staff for their commitment to the community and for always responding to questions and inquiries from Council and additional kudos to staff for the recent WITOD dedication. Member Sotelo-Solis said it was great to see the young people at the meeting and the increasing signs of the holiday season throughout the community.

Member Rios thanked staff for their commitment to the community; inquired about the status of the sand bag machine and encouraged permit applicants to refrain from publicizing their events until approved by the City Council and said she has noticed a number of canopies throughout the city.

MAYOR AND CITY COUNCIL (cont.)

Vice Mayor Cano reminded everyone about the War Memorial Re-dedication, inquired about the price for the tiles at the memorial and thanked Engineering/Pubic Works for responding to storm related issues he has referred to them.

Mayor Morrison extended birthday wishes to Member Cano, discussed the importance of agencies working together to get needed permits and approvals for El Nino related problems and reported on his selection and participation as one of 8 mayors in the nation in a 3 day Urban Planning symposium sponsored by Rice University, the Kinder Institute and the National Conference of Mayors in Houston Texas. The Mayor listed the upcoming holiday events for the coming week and reported that *Circulate San Diego* has designated National City as the Most Walkable City in the County.

CLOSED SESSION REPORT

City Attorney Claudia Silva reported that the City Council met on five items in Closed Session and that there was one item to report out on. That was the Bay Shore Management vs City of National City matter. The City Council approved a settlement in Closed Session on a 5 to 0 vote generally on the terms of a \$7500 payment, assignment of claims and a letter asking for assistance in seeking their requested funding. (See attached Exhibit 'L')

ADJOURNMENT

Motion by Sotelo-Solis, seconded by Cano, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, December 15, 2015 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 10:21 p.m.



City Clerk

The foregoing minutes were approved at the Regular Meeting of December 15, 2015.



Mayor

City Council and Community Development Commission – Housing Authority of the City of National City Meeting Schedule for the Period of January 5, 2016 through January 19, 2016:

- January 05 – Dispense with Meeting
- January 19 – Regular Meeting

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY

Main Conference Room
Civic Center
1243 National City Boulevard
National City, California

Special Meeting – Tuesday, December 1, 2015 – 4:30 p.m.

ROLL CALL

CLOSED SESSION

CITY COUNCIL

1. Conference with Labor Negotiators – Government Code Section 54957.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva, Frank Parra, Mark Roberts, and Tim Davis
Employee Organization: Fire Fighters' Association
2. Conference with Labor Negotiators – Government Code Section 54957.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva, Jose Tellez, Mark Roberts, and Eddie Kreisberg
Employee Organization: Police Officers' Association
3. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Bayshore Transit Management, Inc., et al. v. City of National City
San Diego Superior Court Case No. 37-2014-00040243-CU-BC-CTL
4. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (e)(2)
EC Constructors v. City of National City (Matter set for mediation)
EC Constructors has asserted pending claims against the City based on the construction contract for the Aquatic Center.
5. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (e)(2)
Facts and circumstance might result in litigation against the City, but which the City believes are not yet known to a potential plaintiff or plaintiffs.

ADJOURNMENT

Next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City will be held Tuesday, December 1, 2015, 6:00 p.m., Council Chambers, Civic Center