

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND  
COMMUNITY DEVELOPMENT COMMISSION OF  
NATIONAL CITY, CALIFORNIA**

**October 21, 2008**

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:05 p.m. by Mayor / Chairman Ron Morrison.

**ROLL CALL**

Council / Commission members present: Morrison, Natividad, Parra, Ungab, Zarate.

Administrative Officials present: Babaki, Dalla, Deese, Duong, Eiser, Fifield, Hernandez, Ladrido, Post, Raulston, Smith, Stevenson, Williams, Zapata.

Others present: City Treasurer George Hood.

**PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON**

**PUBLIC ORAL COMMUNICATIONS**

Montsendt Casanova and Gabriel Rodriguez, National City spoke in support of retaining the one cent sales tax.

Arturo, Jonathan and Halay (no last names given), Central School Students, spoke in support of the one cent sales tax.

Sandy Bundy, National City Library Literacy Services, extended an invitation to the First Annual Library Talent Event on October 25<sup>th</sup>.

H. Shep, National City, said he was a candidate for President of the United States.

Antonio Bettencourt, National City, opposed retaining the one cent sales tax.

**PRESENTATIONS**

**COUNCIL MEETING PRESENTATIONS 2008 (102-10-3)**

1. **SUBJECT:** City Manager Presentation – Sales Tax Loss – Budget & Service Reduction Plan
2. **SUBJECT:** Storm Water Calendar Contest (Engineering)

**PERSONNEL RECOGNITION / APPRECIATION ADMIN (604-2-1)**

3. **SUBJECT:** Employee of the Month – Lynn Cole – Executive Secretary, Planning

## PROCLAMATION

### PROCLAMATION ADMIN (102-2-1)

4. **SUBJECT:** Proclamation of the City of National City Proclaiming October 20, 2008 as: **“Rails-To-Trails Conservancy Day”**

## CITY COUNCIL

### CONSENT CALENDAR

**ADOPTION OF CONSENT CALENDAR.** Item No. 5 (Minutes), Item No. 6 (NCCMC), Items No. 7 through 14 (Resolutions No. 2008-219 through 2008-226), Items No. 15 and 16 (Warrant Registers). Motion by Ungab, seconded by Zarate, to pull Item No. 10 and approve the remainder of the Consent Calendar. Carried by the following vote, to-wit: Ayes: Morrison, Ungab, Zarate. Nays: None. Absent: Natividad, Parra. Abstain: None.

### APPROVAL OF MINUTES

5. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of October 7, 2008. (City Clerk)  
**ACTION:** Approved. See above.

### MUNICIPAL CODE 2008 (506-2-23)

6. APPROVAL OF A MOTION TO WAIVE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDES THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)

### GRANT/PUBLIC WORKS (206-4-23)

7. Resolution No. 2008-219. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL ACCEPTING A GRANT AWARD FROM THE DEPARTMENT OF CONSERVATION IN THE AMOUNT OF \$16,033 TO PROVIDE A BEVERAGE CONTAINER RECYCLING PROGRAM AND EQUIPMENT AS WELL AS PUBLIC EDUCATION IN THE NATIONAL SCHOOL DISTRICT. These programs are funded by the grant award and have no impact to the General Fund. (Public Works)  
**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**PLANNED DEVELOPMENT PERMIT ADMIN 2008 (414-1-23)**

8. Resolution No. 2008-220. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A FINDING OF NO SIGNIFICANT IMPACT, A TENTATIVE SUBDIVISION MAP, A PLANNED DEVELOPMENT PERMIT FOR EIGHT CONDOMINIUM UNITS WITH EXCEPTIONS FOR SETBACKS, PARKING, AND BUILDING SEPARATION, AND A REQUEST TO WAIVE UNDERGROUNDING OF UTILITIES ALONG 18<sup>TH</sup> STREET AT 1820 G AVENUE. APPLICANT: HABITAT FOR HUMANITY. (Case File No. 2008-20 S, PD, IS) (APN 560-233-06) (Planning)

**ACTION:** Adopted. See above.

**CONTRACT (C2008-79)**

9. Resolution No. 2008-221. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A LANDSCAPE MAINTENANCE AGREEMENT (LMA) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO MAINTAIN LANDSCAPING IN THE CALTRANS RIGHT-OF-WAY AS PART OF THE BAY MARINA DRIVE WIDENING PROJECT, FUNDED THROUGH TAX INCREMENT FUNDS IN THE AMOUNT OF \$6,700 ANNUALLY UNTIL THE PARCEL ADJACENT TO THE CALTRANS RIGHT-OF-WAY ARE PRIVATELY DEVELOPED. (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2007-52)**

10. Resolution No. 2008-222. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING CHANGE ORDER NO. 2 WITH REPUBLIC ITS, INC. TO PURCHASE AND INSTALL ADDITIONAL SCHOOL ZONE SIGNS, STRIPING, FLASHING BEACONS, AND IN-ROADWAY CROSSWALK LIGHTS IN THE AMOUNT OF \$113,716.00 AS PART OF THE NATIONAL CITY SAFE ROUTES TO SCHOOL PROJECT (PHASE I), AND AUTHORIZING THE MAYOR TO EXECUTE THE CHANGE ORDER. (Funded by State Safe Routes to School Grant and City General Funds) (Engineering)

**ACTION:** Motion by Zarate, seconded by Parra, to adopt the Resolution. Carried by unanimous vote.

**CONSENT CALENDAR (Cont.)**

**CONTRACT (C2008-32)**

11. Resolution No. 2008-223. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING CHANGE ORDER NUMBER EIGHT TO KOCH-ARMSTRONG ENGINEERING, INC. FOR THE NATIONAL CITY STREET RESURFACING PROJECT FY 08-09 (PHASE 2) IN THE AMOUNT OF \$10,180.00 FOR CONSTRUCTION SUPERVISOR SERVICES FOR THE INSTALLATION OF THE KIMBALL PARK SKATE PARK PROJECT AND AUTHORIZING THE MAYOR TO SIGN THE CHANGE ORDER. (Funded through Parks and Recreation Capital Outlay) (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2008-80)**

12. Resolution No. 2008-224. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDDING A CONTRACT TO INDUSTRIAL COATING AND RESTORATION SERVICES, INC. IN THE BASE AMOUNT OF \$88,000.00 AND ALTERNATIVE BID AMOUNT OF \$14,501.25 TOTALING \$102,501.25 FOR THE NATIONAL CITY POLICE DEPARTMENT PARKING LOT DECK WATERPROOFING PROJECT. (This is a CIP Project funded through General Funds) (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2006-25)**

13. Resolution No. 2008-225. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH RICK ENGINEERING COMPANY IN THE AMOUNT OF \$6,500.00 TO DESIGN AND PREPARE SPECIFICATIONS AND PLANS FOR THE MARINA STORM DRAIN. (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2008-81)**

14. Resolution No. 2008-226. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE LOWEST, RESPONSIVE, RESPONSIBLE BID FROM IRONMAN PARTS & SERVICES FOR THE DIESEL RETROFITTING OF EQUIPMENT TO CONFORM WITH CALIFORNIA AIR RESOURCES BOARD REGULATIONS OF THREE TRUCKS AND ONE BUS FOR A TOTAL AWARD OF \$59,040.72. (Purchasing)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**WARRANT REGISTER JULY 2008 – JUNE 2009 (202-1-23)**

15. Warrant Register #12 for the period of 09/10/08 through 09/15/08 in the amount of \$810,906.97. (Finance)

**ACTION:** Ratified. See above.

**WARRANT REGISTER JULY 2008 – JUNE 2009 (202-1-23)**

16. Warrant Register #13 for the period of 09/16/08 through 09/23/08 in the amount of \$1,525,454.80. (Finance)

**ACTION:** Ratified. See above.

**PUBLIC HEARING**

**BLOCK GRANT PROGRAM ADMIN 2008 – 2009 (406-1-23)**

17. Public Hearing – Fiscal Year 2008-2009 Supplemental Funding Cycle for the CDBG Program – Funding Recommendations. (Community Development/Housing and Grants)

**RECOMMENDATION:** Conduct the Public Hearing.

**TESTIMONY:** None.

**ACTION:** Motion by Parra, seconded by Zarate, to approve funding of \$40,000 for Integrity Charter School, \$102,987 for National City Lions, \$87,480 for CYAC, \$30,033 for Boys & Girls Club and \$50,000 for Pop Warner. Carried by unanimous vote.

Mayor Morrison left the Council Chamber at 7:47pm.

**ORDINANCE FOR ADOPTION**

**MUNICIPAL CODE 2008 (506-2-23)**

18. ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING CHAPTER 1.08 OF THE NATIONAL CITY MUNICIPAL CODE PERTAINING TO OFFICIAL CITY SEALS, LOGOS, INSIGNIAS, BADGES, AND NAMES. (City Initiated) (City Attorney)

**RECOMMENDATION:** Adopt the Ordinance.

**TESTIMONY:** None.

**ACTION:** Motion by Zarate, seconded by Ungab, to adopt the Ordinance. Carried by the following vote, to-wit: Ayes: Natividad, Parra, Ungab, Zarate. Nays: None. Absent: Morrison. Abstain: None.

**NEW BUSINESS**

**LOCAL COASTAL PROGRAM ADMIN (405-5-1)**

19. Request to initiate a General Plan Amendment/Zone Change/Local Coastal Program Amendment on the existing PSI site from Heavy Manufacturing (MH-CZ) to Medium Manufacturing (MM-CZ) and on proposed PSI site from Medium Manufacturing (MM-CZ) to Heavy Manufacturing (MH-CZ); property generally bounded by Civic Center Drive, Cleveland Avenue, 18<sup>th</sup> Street, BNSF Railway. (Applicant: City initiated) (Case File No.: 2008-47 GPA/ZC/LCP) (Planning)

**RECOMMENDATION:** Staff recommends that the City Council initiate the General Plan Amendment / Zone Change / Local Coastal Program Amendment.

**TESTIMONY:** None.

**ACTION:** Motion by Zarate, seconded by Ungab, to approve staff recommendation. Carried by the following vote, to-wit: Ayes: Natividad, Parra, Ungab, Zarate. Nays: None. Absent: Morrison. Abstain: None.

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

20. Request to use the Martin Luther King, Jr. Community Center by the San Diego County Superintendent of Schools for their training on Thursday, October 30, 2008 with no waiver of fees. (Community Services)

**RECOMMENDATION:** Approve the request for use.

**TESTIMONY:** None.

**ACTION:** Motion by Natividad, seconded by Ungab, to approve staff recommendation. Carried by the following vote, to-wit: Ayes: Natividad, Parra, Ungab, Zarate. Nays: None. Absent: Morrison. Abstain: None.

**TEMPORARY USE PERMITS 2008 (203-1-24)**

21. **SUBJECT:** Temporary Use Permit – ICS Harvest Festival hosted by the Integrity Charter School on October 31, 2008 from 4:00 pm to 8:00 pm at 125 Palm Avenue, National City, CA 91950. (Neighborhood Services)

**RECOMMENDATION:** Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees.

**TESTIMONY:** None.

**ACTION:** Motion by Zarate, seconded by Natividad, to approve staff recommendation. Carried by the following vote, to-wit: Ayes: Natividad, Parra, Ungab, Zarate. Nays: None. Absent: Morrison. Abstain: None.

**NEW BUSINESS (cont.)**

**TEMPORARY USE PERMITS 2008 (203-1-24)**

22. **SUBJECT:** Temporary Use Permit – Sweetwater High School's Homecoming Football Game Halftime Show on November 14, 2008 from 7 pm to 9 pm at Sweetwater High School. (Neighborhood Services)

**RECOMMENDATION:** Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval with a fee credit in the amount of \$1,500. Should City Council grant the waiver of fees, total fees will be \$0.00

**TESTIMONY:** None.

**ACTION:** Motion by Ungab, seconded by Zarate, to approve staff recommendation. Carried by the following vote, to-wit: Ayes: Natividad, Parra, Ungab, Zarate. Nays: None. Absent: Morrison. Abstain: None.

Mayor Morrison to the Council Chamber at 7:54 p.m.

**CONDITIONAL USE PERMITS 2008 (403-23-1)**

23. Notice of Decision – Planning Commission denial of a Conditional Use Permit for the expansion of a food mart and for accessory beer and wine sales at an existing gas station at 1803 Highland Avenue. (Applicant: Fred Karim) (Case File 2008-25 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 Natividad, seconded by Parra, to set for Public Hearing on November 18, 2008. Carried by unanimous vote.

**CONDITIONAL USE PERMITS 2008 (403-23-1)**

24. Notice of Decision – Planning Commission approval of a modification of a Conditional Use Permit to reconfigure previously approved parking and open space for a duplex behind an existing home at 720 I Avenue. (Applicant: Jesus Gonzalez) (Case File M1 CUP-2002-17) (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 Parra, seconded by Natividad, to set for Public Hearing on November 18, 2008. Carried by unanimous vote.

**COMMUNITY DEVELOPMENT COMMISSION**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Items No. 25 through 27 (Resolutions No. 2008-227 through 2008-229). Motion by Natividad, seconded by Parra, to approve the Consent Calendar. Carried by unanimous vote.

**FINANCIAL MANAGEMENT 2008-2009 (204-1-24)**

25. Resolution No. 2008-229. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) AUTHORIZING THE REIMBURSEMENT OF CDC EXPENDITURES IN THE AMOUNT OF \$707,286.72 TO THE CITY OF NATIONAL CITY FOR THE MONTHS OF JULY 2008 THROUGH SEPTEMBER 2008. (Finance)

**ACTION:** Adopted. See above.

**CONTRACT (C2008-82)**

26. Resolution No. 2008-227. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) AWARDING A CONTRACT TO FLORES SIERRA CONTRACTORS, INC., IN THE AMOUNT OF \$33,352 FOR THE DEMOLITION OF A SINGLE-FAMILY RESIDENTIAL UNIT LOCATED AT 1820 G AVENUE IN NATIONAL CITY, AND ESTABLISH AN APPROPRIATION OF \$33,352 IN ACCOUNT NO. 552-445-462-650-9024. (Community Development/Housing & Grants)

**ACTION:** Adopted. See above.

**BUDGET TRANSFERS ADMIN (103-2-4)**

27. Resolution No. 2008-228. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) APPROVING THE TRANSFER OF FUNDS IN THE NOT-TO-EXCEED AMOUNT OF \$6,500 FROM THE TAX INCREMENT UNDESIGNATED FUND BALANCE TO THE MARINA WAY STORM DRAIN PROJECT. (Engineering)

**ACTION:** Adopted. See above.



## NEW BUSINESS

### CITY WIDE HOUSING ADMIN (303-4-1)

28. **SUBJECT:** Request for direction to staff to issue a Request for Proposals/Qualifications to developers for a Transit Oriented Affordable Infill Housing Project in the vicinity of the Public Works Center and Paradise Creek. (Redevelopment/Housing and Grants)

**RECOMMENDATION:** Direct staff to prepare and issue an RFP/Q.

**TESTIMONY:** None.

**ACTION:** Motion by Parra, seconded by Natividad, to approve staff recommendation. Carried by unanimous vote.

## STAFF REPORTS

### FIRE DEPT. ADMIN (305-1-1)

29. **SUBJECT:** Halloween Safety Plan. (Fire)

### CLOSED SESSION REPORT (509-1-4)

City Council / CDC Attorney George Eiser stated there was nothing to report from the Special Meeting Closed Session held at 5:00 p.m. (See attached Exhibit 'L')

## MAYOR AND CITY COUNCIL

Member Natividad requested staff to look into discarded sofas in the alleys west of Wilson and Roosevelt Avenues between Civic Center and 16<sup>th</sup> Street and referred a Pay phone at 8<sup>th</sup> & Highland for possible removal. Mr. Natividad also requested an assessment and report on National City Week.

Member Ungab reported on the life of Mr. Delfin Labao who recently passed away at the age of ninety-six.

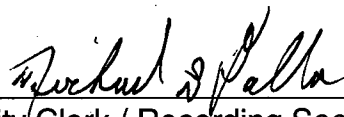
Member Zarate requested a moment of silence for Mr. Labao.

Mayor Morrison reported that he attended The National Congress of Governments meeting in Connecticut.

## ADJOURNMENT

**ACTION:** Motion by Parra, seconded by Zarate, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission to be held Tuesday, November 18, 2008 at 6:00 p.m., Council Chamber, Civic Center. Carried by unanimous vote.

The meeting closed at 8:12 p.m.

  
\_\_\_\_\_  
City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of November 18, 2008.

  
\_\_\_\_\_  
Mayor / CDC Chairman

**TAPE RECORDINGS OF CITY COUNCIL/COMMUNITY  
DEVELOPMENT COMMISSION MEETINGS ARE AVAILABLE  
FOR SALE IN THE CITY CLERK'S OFFICE**

## EXHIBIT 'L'

### AGENDA OF A SPECIAL NUMBER

City Council of the City of National City

Main Conference Room  
Civic Center  
1243 National City Boulevard  
National City, California  
Tuesday – October 21, 2008 – 5:00 P.M.

#### BUSINESS

#### CLOSED SESSIONS

#### CITY COUNCIL

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code Section 54956.9 (a)  
*Flores v. J. C. Penney Corporation, et. al*  
U.S. Court of Appeals, Ninth Circuit  
Case No. 04CV2337-IEG (NLS)
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code Section 54956.9 (a)  
*Damian Ballardo, et. al. v. City of National City, et. al*  
United States District Court, Southern District of California  
Case No. 07CV1956 DMS (LSP)
3. LIABILITY CLAIM  
Government Code Section 54956.95  
Worker's Compensation Claim  
Agency Claimed Against: City of National City

#### ADJOURNMENT

Next Regular City Council Meeting – Tuesday – October 21, 2008 – 6:00 p.m.  
Council Chambers, Civic Center

#### TAPE RECORDINGS OF EACH CITY COUNCIL MEETING ARE AVAILABLE FOR SALE IN THE CITY CLERK'S OFFICE

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at 336-4228 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.