

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

August 16, 2016

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:10 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Cano, Mendivil, Morrison, Rios, Sotelo-Solis.

Administrative Officials present: Aguirre, Beveridge, Dalla, Deese, Denham, Duong, Manganiello, Muthusamy, Raulston, Roberts, Silva, Stevenson, Tellez, Williams, Ybarra.

Others present: City Treasurer Mitch Beauchamp and Student Representative Reah Sahagun.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC COMMENTS

Jesse Aguirre, National City, expressed displeasure that one of the Councilmembers is supporting a former City Council Member's candidacy for election.

Micki Head, National City, extended an invitation to the Friends of the Library fundraising pizza party on September 8th at the Library.

Brian Vine and Jackie from Lincoln Acres School extended an invitation to their Sixth Grade Camp fundraising spaghetti dinner.

Janice Martinelli, National City, spoke about the problems she and her neighbors experienced as a result of a large party event held at McDinni's Restaurant over the weekend.

Christine Pearson, National City, also spoke of the problems she experienced as a result of the event at McDinni's.

**AGENDA ITEMS WERE MOVED UP ON THE AGENDA AT THE REQUEST OF
CITY COUNCIL AND STAFF**

Item No. 15 was taken up next

PUBLIC HEARINGS

CONDITIONAL USE PERMITS 2016 (403-31-1)

15. Public Hearing – Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Applicant: Susana Maza) (Case File 2015-28 CUP) (Planning)

RECOMMENDATION: City Manager Leslie Deese stated that, based on new information just received, staff is recommending that the Public Hearing, Item #15, be pulled from tonight's agenda.

POINT OF CLARIFICATION: It was clarified that, if pulled, the Hearing would be re-noticed and re-published as a new Public Hearing when appropriate. It was requested that everyone who submitted a speaker slip for the hearing be notified when a new hearing date is set if they have provided their complete contact information.

ACTION: Motion by Cano, seconded by Mendivil, to pull Item No. 15 to allow further review. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison, Rios. Nays: Sotelo-Solis. Abstain: None. Absent: None.

Item No. 25 was taken up next

NEW BUSINESS

ELECTION NOV 2004 – PROPOSITIONS (505-16-03)

25. City Council discussion of term limits for City Council members. (City Manager, City Clerk and City Attorney) **Continued from Council meeting of 6/21/16**

RECOMMENDATION: Request Council direction.

TESTIMONY: None.

ACTION: Member Mendivil stated that he would like to, pull Item No. 25 for tonight and bring it back for a future meeting. Seconded by Cano. Carried by unanimous vote.

PRESENTATIONS

COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2016 (102-10-11)

1. Recognition of outgoing Student Council Representative, Reah Sahagun and introduction of incoming Student Council Representative, Jose Estrada by Sweetwater Principal Marylou Gavin. (City Clerk)

PRESENTATIONS (cont.)

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2016
(102-10-11)**

2. Farewell to Miss National City and Court 2015, and Introduction of Miss National City and Court 2016. (Community Services)

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2016
(102-10-11)**

3. Equinox Project's 2016 San Diego Regional Quality of Life Dashboard – Stephen Heverly, Senior Project Manager – Equinox Project

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2016
(102-10-11)**

4. 6th Annual "Career Pathways to Success" Job Fair – Jacqueline Reynoso, President, National City Chamber of Commerce and Diane Rose, Executive Director, South County Career Center.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 5 (NCMC), Item No. 6 (Minutes), Item Nos. 7 through 11 (Resolution No. 2016-115 through 2016-119), Item Nos. 12 through 14 (Warrant Registers). Motion by Sotelo-Solis, seconded by Mendivil, to pull Item No. 11, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

MUNICIPAL CODE 2016 (506-2-31)

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 ADJOURNED REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF AUGUST 2, 2016 AND THE CORRECTED MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF JUNE 21, 2016. (City Clerk)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

EQUIPMENT / VEHICLE PURCHASE ADMIN (209-1-1)

7. Resolution No. 2016-115. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY WAIVING THE BID PROCESS PURSUANT TO NCMC 2.60.220(B) AND (C) FOR THE SOLE SOURCE PURCHASE OF FIVE (5) ZOLL X SERIES MANUAL MONITOR/DEFIBRILLATORS WITH ACCESSORIES FROM ZOLL MEDICAL CORPORATION IN THE AMOUNT OF \$89,463.40 TO BE ADDED TO THE \$80,490.00 FROM THE REGIONAL COOPERATIVE CARE PROGRAM RCCP/AMR TOTALING \$169,953.40. (Fire)

ACTION: Adopted. See above.

GRANT / LIBRARY (206-4-10)

8. Resolution No. 2016-116. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING THE ACCEPTANCE OF \$18,000 GRANT FROM THE CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) TO FUND THE LIBRARY'S LITERACY SERVICES FOR FY2016-17; AND AUTHORIZING THE ESTABLISHMENT OF FUND APPROPRIATIONS AND A CORRESPONDING REVENUE BUDGET. (Library)

ACTION: Adopted. See above.

PARKING & TRAFFIC CONTROL ADMIN 2016 (801-2-37)

9. Resolution No. 2016-117. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF 40 FEET OF RED CURB "NO PARKING" ALONG THE WEST SIDE OF EUCLID AVENUE IMMEDIATELY NORTH OF THE COMMERCIAL DRIVEWAY TO NATIONAL CITY PLAZA SHOPPING CENTER, LOCATED AT 2323 E. DIVISION STREET, TO ENHANCE VISIBILITY FOR DRIVERS EXITING THE SHOPPING CENTER. (TSC No. 2016-03) (Engineering/Public Works)

ACTION: Adopted. See above.

PARKING & TRAFFIC CONTROL ADMIN 2016 (801-2-37)

10. Resolution No. 2016-118. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF A BLUE CURB HANDICAP PARKING SPACE WITH SIGN IN FRONT OF THE RESIDENCE AT 624 E. 3RD STREET. (TSC No. 2016-05) (Engineering/Public Works)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT (406-2-11)

11. Resolution No. 2016-119. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE FINAL AUDIT REPORT FOR THE MORGAN SQUARE BUSINESS IMPROVEMENT DISTRICT FOR THE PERIOD FROM JANUARY 1, 2008 THROUGH AND INCLUDING JUNE 30, 2014. (Planning)

ACTION: Motion by Cano, seconded by Mendivil, to adopt the Resolution. Carried by unanimous vote.

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

WARRANT REGISTER JULY 2016 – JUNE 2017 (202-1-31)

12. Warrant Register #1 for the period of 06/29/16 through 07/05/16 in the amount of \$2,860,739.05. (Finance)

ACTION: Ratified. See above.

WARRANT REGISTER JULY 2016 – JUNE 2017 (202-1-31)

13. Warrant Register #2 for the period of 07/06/16 through 07/12/16 in the amount of \$232,627.99. (Finance)

ACTION: Ratified. See above.

WARRANT REGISTER JULY 2016 – JUNE 2017 (202-1-31)

14. Warrant Register #3 for the period of 07/13/16 through 07/19/16 in the amount of \$3,498,058.40. (Finance)

ACTION: Ratified. See above.

PUBLIC HEARINGS

CONDITIONAL USE PERMITS 2016 (403-31-1)

15. Public Hearing – Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Applicant: Susana Maza) (Case File 2015-28 CUP) (Planning)

RECOMMENDATION: Staff recommended the Public Hearing be pulled from the agenda to allow further review.

TESTIMONY: None.

ACTION: Pulled from the agenda at the beginning of the meeting. See above.

PUBLIC HEARINGS (cont.)

CITY – OWNED LAND / SALE – LEASE (1001-1-1)

CONTRACT (C2006-28)

16. Public Hearing conducted in accordance with California General Code Section 52201 to discuss and consider the findings of a Summary Report pertaining to the sale and conveyance of certain Real Property located in the City of National City with a street address of 1640 E. Plaza Blvd., (APN # 557-410-20), from the City of National City to Palm Plaza Associates, LLC pursuant to a Real Property Purchase and Sale Agreement and Joint Escrow Instructions. (Housing and Economic Development)

RECOMMENDATION: Conduct the Public Hearing.

TESTIMONY: Mike Jariwala, National City, expressed in interest in purchasing the property.

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

NON CONSENT RESOLUTIONS

CITY – OWNED LAND / SALE – LEASE (1001-1-1)

CONTRACT (C2006-28)

17. Resolution No. 2016-120. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE FINDINGS MADE IN THE SUMMARY REPORT PURSUANT TO CALIFORNIA GENERAL CODE SECTION 52201 PERTAINING TO THE SALE OF A 1.07-ACRE PARCEL OF VACANT LAND LOCATED AT 1640 EAST PLAZA BLVD. IN NATIONAL CITY TO PALM PLAZA ASSOCIATES, LLC AND APPROVING A REAL PROPERTY PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS FOR SAID VACANT LAND. (Housing & Economic Development)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

NON CONSENT RESOLUTIONS (cont.)

PROPERTY TAX RATE BONDED INDEBTEDNESS ADMIN (205-2-2)

18. Resolution No. 2016-121. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY REDUCING THE PROPERTY TAX RATE FOR THE LIBRARY GENERAL OBLIGATION BONDS FOR FISCAL YEAR 2017 FROM 0.92 CENTS PER \$100 OF ASSESSED VALUATION TO 0.88 CENTS, A DECREASE OF 4.55%. (Finance)

RECOMMENDATION: Adopt the Resolution, reducing the property tax rate for the Library General Obligation Bonds for Fiscal Year 2017 from 0.92 cents per \$100 of assessed valuation to 0.88 cents.

TESTIMONY: None.

ACTION: Motion by Mendivil, seconded by Rios, to adopt the Resolution. Carried by unanimous vote.

CONDITIONAL USE PERMITS 2016 (403-31-1)

19. Resolution No. 2016-122. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A CONDITIONAL USE PERMIT FOR A CRAFT BEER TASTING ROOM (NOVO BRAZIL) AT 27 & 41 EAST 8TH STREET. (Applicant: Joshua Renner) (Case File 2016-12 CUP) (Planning)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: Janice Martinelli, National City, spoke in opposition. Christina Pearson, National City, expressed concerns and spoke in opposition.

ACTION: Motion by Rios, seconded by Cano, to adopt the Resolution. Carried by unanimous vote.

STREET VACATION ADMIN 2011-2020 (902-26-6)

20. Resolution No. 2016-123. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE EXECUTION OF AN ORDER OF VACATION OF 250 FEET OF "A" AVENUE LOCATED SOUTH OF EAST 28TH STREET AND NORTH OF EAST 29TH STREET. (Applicant: Frank Motors) (Case File No. 2013-23 SC) (Planning)

RECOMMENDATION: None.

TESTIMONY: Joseph Leon, National City, spoke in opposition.

Jonathan Romero, National City, spoke in opposition.

Juan Romero, National City, spoke in opposition.

ACTION: Motion by Morrison, seconded by Sotelo-Solis, to adopt the Resolution. Second withdrawn.

Motion by Sotelo-Solis, seconded by Rios, to come back with a Resolution to deny the street closure. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Rios, Sotelo-Solis. Nays: Morrison. Abstain: None. Absent: None.

EXPARTE DISCLOSURE: Members Morrison and Mendivil disclosed that they had contact with residents prior to the meeting.

NON CONSENT RESOLUTIONS (cont.)

CONTRACT (C2016-34)

21. Resolution No. 2016-124. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) AWARDING A CONTRACT TO PORTILLO CONCRETE, INC. IN THE NOT-TO-EXCEED AMOUNT OF \$2,496,925 FOR THE SEWER LINE REPLACEMENT AND UPSIZING PROJECT, CIP NO. 16-05; 2) AUTHORIZING A 15% CONTINGENCY IN THE AMOUNT OF \$374,538.75 FOR ANY UNFORESEEN CHANGES; 3) AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; AND 4) AUTHORIZING THE APPROPRIATION OF \$1,500,000 IN THE SEWER UPSIZING CIP ACCOUNT FROM SEWER SERVICE FUND BALANCE. (Engineering/Public Works)

RECOMMENDATION: Adopt the Resolution awarding a contract to Portillo Concrete in the not-to-exceed amount of \$2,496,925 for the Sewer Line Replacement and Upsizing Project, CIP No. 16-05.

TESTIMONY: None.

ACTION: Motion by Mendivil, seconded by Rios, to adopt the Resolution. Carried by unanimous vote.

NEW BUSINESS

TEMPORARY USE PERMITS 2016 (203-1-32)

22. Temporary Use Permit – Pumpkin Station hosted by Pinery Christmas Trees, Inc. at Westfield Plaza Bonita Mall from September 23, 2016 thru October 31, 2016 with no waiver of fees. (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 Sotelo-Solis, seconded by Cano, to approve staff recommendation. Carried by unanimous vote.

EL TOYON PARK ADMIN / TINY TOTS (702-6-1)

23. City Council direction regarding parking options for El Toyon Park parking lot. (Engineering/Public Works)

RECOMMENDATION: Provide direction to staff regarding options for El Toyon Park parking lot.

TESTIMONY: Rita Heuss, National City, urged the Council to do the right think.

ACTION: Motion by Cano, seconded by Mendivil, to approve Option #2. Carried by unanimous vote.

NEW BUSINESS (cont.)

COUNCIL POLICY MANUAL (102-13-1)

24. City Council Policy #118 – City Council attendance at staff-level working groups. (City Manager)

RECOMMENDATION: Request Council direction.

TESTIMONY: None.

ACTION: Motion by Mendivil, that Policy #118 again be retroactive two years back and at this point in time the rotation occurs at this point in time so that the policy takes effect immediately.

Mayor Morrison said he didn't get the last part of the motion.

Member Mendivil clarified; that this policy take effect immediately meaning it's retroactive so that the person that's on this committee at this time would rotate off now because that person has already been on for two years and subsequent years would continue in that fashion.

Vice Mayor Cano asked that the motion be repeated.

Member Mendivil clarified; I would like to move that City Council Policy No. 118 be retroactive from the June 21st meeting, two years back, so that at this point in time the person rotates off and in subsequent years it continues in that fashion, so the motion is about the retroactivity.

POINT OF ORDER: Member Rios asked if the motion was legal under the circumstances with the case studies we have?

City Attorney Silva responded that there is nothing on point for this very unique situation.

Member Rios stated for the record that she intends to challenge the motion and inquired if there can be a motion and vote if she is going to challenge it?

City Attorney Silva responded that there is nothing to preclude the vote. If the Council wants to take a vote and then wants additional information, they can direct that come back.

Mayor Morrison inquired if there is a likelihood of more information.

City Attorney Silva responded that the retro-activity is something that is being mentioned on the dais tonight for the first time and in that instance it has not been discussed before, so if the Council would like to take more time that would be helpful to look at.

ACTION: Vice Mayor Cano seconded the motion. Motion carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Abstain: None. Absent: None.

NEW BUSINESS (cont.)

ELECTION NOV 2004 – PROPOSITIONS (505-16-03)

25. City Council discussion of term limits for City Council members. (City Manager, City Clerk and City Attorney) **Continued from Council meeting of 6/21/16**

RECOMMENDATION: Request Council direction.

TESTIMONY: None.

ACTION: Pulled from the agenda at the beginning of the meeting.
See above.

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

NO AGENDA ITEMS

MAYOR AND CITY COUNCIL

Member Mendivil said, “I would like to take this time to publically apologize to Mrs. Rios if there is any way, that anything I’ve said or done that has hurt you, I ask for your forgiveness”.

Member Mendivil praised the Relay for Life event and said it is an awesome event that defines National City and reported that he had the honor to attend an Eagle Scout Court of Honor for Paul Ruiz on Saturday.

Member Sotelo-Solis said the meeting involved a lot of great work and dialogue and thanked staff for all their reports and information. She expressed concern about the retroactive component of the last vote, reported on the walk audit conducted on the West Side and her concerns about out-reach and attendance and thanked staff for quickly addressing the ball field issue and replacing the missing home plate.

Member Rios said, “I would first like to say to my colleague (Mr. Mendivil), you didn’t hurt my feelings . . . I am not hurt in any way from your decisions. I’m just very disappointed in them.”

Member Rios said two things that she saw during the meeting that she was proud of is that the Council does listen to the residents and she hopes residents will realize their presence is important. Member Rios also reported an incident that came to her attention regarding a Police Officer who stopped to render assistance to a motorist with a flat tire. That speaks to the caliber of employees we have.

MAYOR AND CITY COUNCIL (cont.)

Mayor Morrison praised the Relay for Life as a very awesome and successful event where many people come out trying to raise money and make a difference. The Mayor said he has received rave reviews about the improvements in El Toyon Park and comments from people about all the other construction and projects going on in the city and expressed appreciation to City Staff and the contractors doing the work.

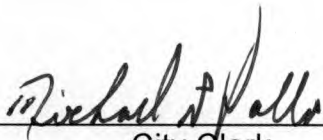
CLOSED SESSION REPORT

City Attorney Claudia Silva stated there was nothing to report from the Closed Session. (See attached Exhibit 'L')

ADJOURNMENT

Motion by Sotelo-Solis, seconded by Mendivil, 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, September 6, 2016 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 10:22 p.m.



City Clerk

The foregoing minutes were approved at the Regular Meeting of September 20, 2016.



Mayor

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY
AND
SUCCESSOR AGENCY TO
THE COMMUNITY DEVELOPMENT COMMISSION AS THE
NATIONAL CITY REDEVELOPMENT AGENCY

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

Special Meeting – Tuesday, August 16, 2016 – 5:00 p.m.

ROLL CALL

CLOSED SESSION

CITY COUNCIL

1. Conference with Labor Negotiators – Government Code Section 54957.6
Agency Designated Representatives: Stacey Stevenson
Employee Organization: Confidential Group
2. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)(1)
City of National City, Successor Agency v. Morgan Square, Inc.
San Diego Superior Court Case No. 37-2013-00054606-CU-OR-CTL

SUCCESSOR AGENCY

3. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)(1)
City of National City, Successor Agency v. Morgan Square, Inc.
San Diego Superior Court Case No. 37-2013-00054606-CU-OR-CTL

ADJOURNMENT

Next Regular City Council and Successor Agency Meetings: Tuesday, August 16, 2016,
6:00 p.m., Council Chambers, Civic Center