

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

November 18, 2008

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:06 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

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

Administrative Officials present: Babaki, Baker, Chapin, Dalla, Deese, Duong, Eiser, Juniel, Raulston, Rodriguez, Smith, Stevenson, Zapata.

Others present: City Treasurer George Hood and Student Representatives Marcos Martinez and Evita Pineda.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Toni LoPresti, Environmental Health Coalition, urged the City to include residents in the selection process for the developer of the Transit Oriented development project at the Public Works Yard.

PRESENTATIONS

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

1. **SUBJECT:** 25-Year Anniversary Recognition – William C. Strasen, Police Sergeant

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

2. **SUBJECT:** Employee of the Month of November 2008 – Lilibeth Aguelo, Senior Office Assistant

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 3 (Minutes), Item No. 4 (NCCM), Items No. 5 through 14 (Resolutions No. 2008-230 through 2008-239), Items No. 15 and 16 (Report), Items No. 17 through 21 (Warrant Registers). Motion by Parra, seconded by Zarate, to pull Item No. 12 and approve the remainder of the Consent Calendar. Carried by the unanimous vote.

APPROVAL OF MINUTES

3. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of October 21, 2008. (City Clerk)

ACTION: Approved. See above.

MUNICIPAL CODE 2008 (506-2-23)

4. 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)

TRANSPORTATION RAILROADS / RAILWAYS (802-6-1)

5. Resolution No. 2008-230. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY IN SUPPORT OF THE RAILS-TO-TRAILS CONSERVANCY'S 2010 CAMPAIGN FOR ACTIVE TRANSPORTATION. (City Manager)

ACTION: Adopted. See above.

CONTRACT (C2008-61)

6. Resolution No. 2008-231. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BUSTAMANTE & ASSOCIATES FOR SIX MONTHS IN THE AMOUNT OF \$36,000 TO PERFORM GOVERNMENT AFFAIRS CONSULTING SERVICES. (City Manager)

ACTION: Adopted. See above.

GRANT / LAW ENFORCEMENT (302-1-2)

7. Resolution No. 2008-232. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE POLICE DEPARTMENT TO PARTICIPATE IN THE BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM THAT WILL REIMBURSE THE CITY \$8,348.93 OVER A TWO YEAR PERIOD. (Police)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

EQUIPMENT PURCHASE ADMIN (209-1-1)

8. Resolution No. 2008-233. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING A SOLE SOURCE PURCHASE FROM AND INSTALLATION BY COMP VIEW IN THE AMOUNT OF \$40,224.79 FOR AN AUDIO VISUAL/COMMUNICATION SYSTEM FOR THE BRIEFING ROOM AT THE POLICE DEPARTMENT TO SERVE AS AN OPERATION CENTER DURING A MAJOR INCIDENT. (Police)

ACTION: Adopted. See above.

ENCROACHMENT AGREEMENT ADMIN 2008 (903-14-2)

9. Resolution No. 2008-234. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AND AUTHORIZING THE RECORDATION OF AN ENCROACHMENT AGREEMENT WITH EXXON MOBIL OIL CORPORATION FOR THE INSTALLATION OF THREE ADDITIONAL GROUNDWATER MONITORING WELLS ADJACENT TO 10 OSBORN STREET ON DIVISION STREET BETWEEN ROOSEVELT AVENUE AND OSBORN STREET, ON ROOSEVELT AVENUE SOUTH OF DIVISION STREET AND IN THE ALLEY BETWEEN DIVISION STREET AND NATIONAL CITY BOULEVARD. (Engineering)

ACTION: Adopted. See above.

CONTRACT (C2008-92)

10. Resolution No. 2008-235. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING A GRANT AGREEMENT IN THE AMOUNT OF \$75,000 FROM THE COUNTY OF SAN DIEGO TO CONSTRUCT A SIDEWALK ALONG THE NORTH SIDE OF SWEETWATER ROAD BETWEEN EUCLID AVENUE AND PROSPECT STREET IN CONJUNCTION WITH THE STREETS AND RESURFACING PROJECT AND ESTABLISHING APPROPRIATIONS OF SAID FUNDS. (Engineering)

ACTION: Adopted. See above.

CONTRACT (C2008-93)

11. Resolution No. 2008-236. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDED A CONTRACT TO 3-D ENTERPRISES IN THE AMOUNT OF \$109,400 FOR CONSTRUCTION OF THE STORM DRAIN PROJECT (SPECIFICATION #08-12) ON MARINA WAY. (Funded by Tax Increment Funds). (Engineering)

Companion Item #34

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2008-94)

12. Resolution No. 2008-237. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO WHILLOCK CONTRACTING, INC., IN THE AMOUNT OF \$137,779.50 FOR THE DEMOLITION AND DISPOSAL OF BUILDINGS LOCATED AT 2300 CLEVELAND AVENUE AND 830 23RD STREET. (Funded through Tax Increment Funds) (Engineering) **Companion Item #35**

TESTIMONY: Alfonso Hernandez, National City, inquired about the use of tax increment funding for the project.

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

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

CONTRACT (C2008-95)

13. Resolution No. 2008-238. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE APPROPRIATION OF REIMBURSABLE GRANT FUNDS IN THE NOT-TO-EXCEED AMOUNT OF \$150,000 FROM THE REVENUE ACCOUNT TO THE PROJECT EXPENDITURE ACCOUNT FOR THE FOR THE STREET RESURFACING PROJECT PHASE 2. (Funded by CIWMB Grant for Rubberized Asphalt Concrete Chip Seal) (Engineering)

ACTION: Adopted. See above.

UNDERGROUND UTILITY DISTRICTS ADMIN (904-1-1)

14. Resolution No. 2008-239. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING BOUNDARY FOR AN UNDERGROUND UTILITY DISTRICT AT PLAZA BONITA ROAD FROM APPROXIMATELY SIX HUNDRED FEET (600') NORTH OF THE INTERSECTION OF BONITA MESA ROAD SOUTH TO THE SOUTHERLY CITY LIMIT TO FACILITATE THE COUNTY OF SAN DIEGO'S WORK FOR THE PURPOSES OF CONVERTING THE 64 K VOLT POWER TRANSMISSION LINES FROM OVERHEAD TO UNDERGROUND FACILITIES. (Engineering)

ACTION: Adopted. See above.

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

15. **SUBJECT:** National City Sales Tax Update – Second Quarter 2008. (Finance)

ACTION: Filed. See above.

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

16. **SUBJECT:** Investment Report for Quarter ended September 30, 2008. (Finance)

ACTION: Filed. See above.

CONSENT CALENDAR (cont.)

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

17. Warrant Register #14 for the period of 09/24/08 through 09/30/08 in the amount of \$494,946.43. (Finance)
ACTION: Ratified. See above.

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

18. Warrant Register #15 for the period of 10/01/08 through 10/07/08 in the amount of \$3,789,184.93. (Finance)
ACTION: Ratified. See above.

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

19. Warrant Register #16 for the period of 10/08/08 through 10/14//08 in the amount of \$1,353,257.69. (Finance)
ACTION: Ratified. See above.

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

20. Warrant Register #17 for the period of 10/15/08 through 10/21/08 in the amount of \$1,604,739.95. (Finance)
ACTION: Ratified. See above.

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

21. Warrant Register #18 for the period of 10/22/08 through 10/28/08 in the amount of \$3,572,090.51. (Finance)
ACTION: Ratified. See above.

PUBLIC HEARINGS

SUBDIVISIONS / VARIANCES 2008 (415-1-4)

22. Public Hearing – Modification of Conditions of Approval for a previously approved five lot subdivision map to waive undergrounding existing utilities at 940 East 16th Street. (Applicant: Janice Martinelli) (Case File No. 2008-31 M1, (2007-15 S) (Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission to approve the request.

TESTIMONY: None.

ACTION: The Hearing was trailed to the end of the meeting. At the conclusion of the meeting, when no representative appeared the following action was taken: Motion by Parra, seconded by Zarate, to continue Public Hearing. Carried by unanimous vote.

SPECIAL RECOGNITION

The parents and family of Mr. Gabby Soriano were introduced and invited to come forward. Gabby Soriano, Management Information Systems Administrator and nine year employee of the City, died on November 14, 2008. Condolences and kind words were shared. Mayor Morrison said that the Council meeting would be adjourned in honor of Gabby and that flags would be lowered to half-mast. Gabby's mother thanked everyone for their support and prayers.

PUBLIC HEARINGS (cont.)

CONDITIONAL USE PERMITS 2008 (403-23-1)

23. Public Hearing – 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 to approve the CUP based on specific findings and subject to specific conditions

TESTIMONY: Jesus Gonzalez, the applicant, spoke in support.

ACTION: Motion by Parra, seconded by Natividad, to close Public Hearing. Carried by unanimous vote. Motion by Parra, seconded by Ungab, to approve staff recommendation based on the specific findings and subject to the same conditions enumerated by the Planning Commission. Carried by unanimous vote.

Member Zarate disclosed that, in order to avoid the appearance of a conflict, she would excuse herself from the Council Chamber and abstain on Item No. 24. Member Zarate left the Council Chamber at 6:55 p.m.

CONDITIONAL USE PERMITS 2008 (403-23-1)

24. Public Hearing – 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 to deny the CUP based on specific findings.

EXPARTE DISCLOSURE: Vice Mayor Parra disclosed that he had contact with proponents and opponents. Member Natividad disclosed that he had contact with the applicant.

TESTIMONY: Arkan Somo, representing the applicant, spoke in support.

Jovita Juarez, Institute for Public Strategies, spoke in opposition and distributed written materials. (Copy on file in the Office of the City Clerk.)

PUBLIC HEARINGS (cont.)
CONDITIONAL USE PERMITS 2008 (403-23-1)

24. Public Hearing – A Conditional Use Permit (continued).
TESTIMONY: Harry Bennett, National City, spoke in opposition.
Sam Salem, representing the applicant, spoke in support and submitted a petition. (Copy on file in the Office of the City Clerk)
Alam Verdugo, National City, spoke in opposition.
James Grier, National City, spoke in opposition.
Three individuals submitted speaker slips in support but declined to speak.
Three individuals submitted speaker slips in opposition but declined to speak.
ACTION: Motion by Parra, seconded by Natividad, to close the Public Hearing. Carried by unanimous vote. Motion by Parra, seconded by Morrison, to approve the Conditional Use Permit with all conditions of staff and based on the findings. Carried by the following vote, to-wit: Ayes: Morrison, Parra, Ungab. Nays: Natividad. Absent: None. Abstain: Zarate.

Member Zarate returned to the Council Chamber at 7:20 p.m.

ORDINANCE FOR INTRODUCTION

MUNICIPAL CODE 2008 (506-2-23)

25. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF NATIONAL CITY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE FOR THE MERGER OF THE CITY OF NATIONAL CITY WITH THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY FOR PURPOSES OF THE RETIREMENT SYSTEM. (Finance)

NON CONSENT RESOLUTION

CONTRACT (C2002-33)

26. Resolution No. 2008-240. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO PROVIDE FOR THE MERGER OF THE CITY OF NATIONAL CITY WITH THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY FOR PURPOSES OF THE RETIREMENT SYSTEM. (Finance)

CONTRACT (C2002-33)

26. Resolution No. 2008-240 (continued)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

NEW BUSINESS

POLITICAL SUPPORT ADMIN (102-4-1)

27. **SUBJECT:** Request City Council approval on the framework for National City's revised Legislative & Judicial Platform. (City Manager)

RECOMMENDATION: City Council to approve the framework for National City's Legislative & Judicial Platform.

TESTIMONY: None.

ACTION: Motion by Parra, seconded by Zarate, to move forward and consider the item again at the meeting on December 16th, 2008. Carried by unanimous vote.

TEMPORARY USE PERMITS 2008 (203-1-24)

28. **SUBJECT:** Temporary Use Permit – Pancake Breakfast hosted by the FFA 2744 in conjunction with “Spirit of the Holidays” on November 22, 2008 at Fire Station #34 Headquarters 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: Mike Majia, FFA representative, requested waiver of fees.

ACTION: Motion by Parra, seconded by Ungab, to approve the Temporary Use Permit and waiver of fees. Carried by unanimous vote.

TEMPORARY USE PERMITS 2008 (203-1-24)

29. **SUBJECT:** Temporary Use Permit – 16th Annual Fiesta Filipiniana Karaoke Competition hosted by the Seafood City Supermarket on December 6, 2008 from 10 a.m. to 10 p.m. at 1420 Plaza Blvd. 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 Zarate, seconded by Natividad, to approve staff recommendation. Carried by unanimous vote.

TEMPORARY USE PERMITS 2008 (203-1-24)

30. **SUBJECT:** Temporary Use Permit – Tijuana Toy Run hosted by the Sweetwater Motorcycles, Inc. on December 14, 2008 at 3201 Hoover Avenue 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 Natividad, seconded by Morrison, to approve staff recommendation. Carried by unanimous vote.

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Items No. 31 (Warrant Register), Item No. 32 (Report), Items No. 33 through 35 (Resolutions No. 2008-241 through 2008-243). Motion by Natividad, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

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

31. **SUBJECT:** Authorize the reimbursement of Community Development Commission expenditures in the amount of \$1,427,519.77 to the City of National City for the month of October 2008. (Finance)
ACTION: Approved. See above.

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

32. **SUBJECT:** Investment Report for Quarter ended September 30, 2008. (Finance)
ACTION: Filed. See above.

CONTRACT (C2006-28)

33. Resolution No. 2008-241. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) APPROVING THE FOURTH AMENDMENT TO EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT COMMISSION AND PALM PLAZA ASSOCIATES, LLC FOR THE FORMER DAYS INN SITE. (Redevelopment Division)
ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

BUDGET TRANSFERS ADMIN (103-2-4)

34. Resolution No. 2008-242. 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 \$147,690 FROM THE TAX INCREMENT UNDESIGNATED FUND BALANCE TO THE MARINA WAY STORM DRAIN PROJECT EXPENDITURE ACCOUNT. (Engineering)

Companion Item #11

ACTION: Adopted. See above.

BUDGET TRANSFERS ADMIN (103-2-4)

35. Resolution No. 2008-243. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$187,000 FROM THE TAX INCREMENT UNDESIGNATED FUND BALANCE TO THE DEMOLITION AND DISPOSAL OF BUILDINGS ACCOUNT FOR DEMOLITION AND DISPOSAL OF BUILDINGS LOCATED AT 2300 CLEVELAND AVENUE AND 830 23RD STREET PROJECT. (Engineering) **Companion Item #12*

ACTION: Adopted. See above.

NEW BUSINESS

STAFF REPORTS

City Manager Chris Zapata expressed thanks to Councilmember Ungab for his service to the community the past two years and wished him continued success.

MAYOR AND CITY COUNCIL

Member Zarate complimented the Public Works Department staff for a recent clean-up project they completed.

Member Natividad thanked Councilmember Ungab for his cooperation and hard work on behalf of the community.

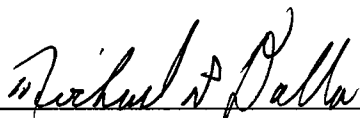
Member Parra praised staff for their quick response to assist a new homeowner with problems at their residence.

ADJOURNMENT

The meeting was adjourned in memory of Mr. Gabby Soriano.

The next Regular Meeting of the City Council and Community Development Commission to be held Tuesday, December 2, 2008 at 6:00 p.m., Council Chamber, Civic Center.

The meeting closed at 7:45 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of December 2, 2008.



Mayor / CDC Chairman

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