

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

**March 3, 2009**

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:00 p.m. by Mayor / Chairman Ron Morrison.

**ROLL CALL**

Council / Commission members present: Morrison, Parra, Sotelo-Solis, Van Deventer, Zarate.

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

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

**PUBLIC ORAL COMMUNICATIONS**

Bert Andrade, National City, expressed thanks to Mayor Morrison for attending the support rally for Filipino veterans.

Alfonso Hernandez, National City, discussed problems with the landscaping at the Boys & Girls Club and the poor condition of D Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets.

Miguel Reza, representing GRID Alternatives, introduced his non-profit homeowner's assistance organization.

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

1. **SUBJECT:** Proclaiming Tuesday, March 3, 2009 as: **"2010 CENSUS DAY"**

**ANNOUNCEMENTS**

Mayor Morrison announced that approval was given by the Port District Board to conceptual plans that call for expansion of park facilities, an additional hotel site and commercial centers on the National City bay front. Mayor Morrison also reported that he has been elected Executive Vice President of the National Congress of Cities.

**CITY COUNCIL**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item No. 2 (Minutes), Item No. 3 (NCCM), Item Nos. 4 through 12 (Resolutions No. 2009-39 through 2009-47), Items No. 13 and 14 (Warrant Registers). Motion by Sotelo-Solis, seconded by Van Deventer, to pull Item Nos. 4, 10 and 11, and approve the remainder of the Consent Calendar. Carried by unanimous vote.

**APPROVAL OF MINUTES**

2. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of February 3, 2009. (City Clerk)

**ACTION:** Approved. See above.

**MUNICIPAL CODE 2009 (506-2-24)**

3. 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)

**PARKING ADMIN 2009 (801-2-29)**

4. Resolution No. 2009-39. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY ENGINEER TO APPROVE INSTALLATION OF RED CURB "NO PARKING" (40 FEET IN TOTAL) AT THE INTERSECTION OF W. 18<sup>TH</sup> STREET AND GROVE STREET TO IMPROVE SIGHT DISTANCE. (TSC Item No. 2009-5) (Engineering)

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

**PARKING ADMIN 2009 (801-2-29)**

5. Resolution No. 2009-40. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY ENGINEER TO APPROVE INSTALLATION OF RED CURB "NO PARKING" (30 FEET IN TOTAL) ON THE 1400 BLOCK OF NATIONAL CITY BOULEVARD ADJACENT TO THE PUBLIC LIBRARY DRIVEWAY TO IMPROVE SIGHT DISTANCE. (TSC Item No. 2009-4) (Engineering)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**STREET SIGNS ADMIN (903-12-1)**

6. Resolution No. 2009-41. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY ENGINEER TO APPROVE INSTALLATION OF "DO NOT BLOCK INTERSECTION" SIGNS AT THE INTERSECTION OF SWEETWATER ROAD AND CALMOOR STREET/FAIRLOMAS ROAD FOR EASTBOUND TRAFFIC. (TSC Item No. 2009-3) (Engineering)

**ACTION:** Adopted. See above.

**PARKING ADMIN 2009 (801-2-29)**

7. Resolution No. 2009-42. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY ENGINEER TO APPROVE INSTALLATION OF TIME RESTRICTED PARKING IN FRONT OF BAYVIEW TOWER LOCATED AT 701 AND 801 NATIONAL CITY BOULEVARD. (TSC Item No. 2009-2) (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2006-5)**

8. Resolution No. 2009-43. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AMENDMENT NO. 1 TO THE AGREEMENT WITH KLEINFELDER WEST, INC. IN THE AMOUNT NOT-TO-EXCEED \$36,500 AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO PROVIDE MATERIALS TESTING SERVICES IN CONJUNCTION WITH THE NATIONAL CITY STREET RESURFACING PROJECT, FY 08-09 (PHASE 2). (Funded by Traffic Congestion Relief, Gas Tax, Proposition A, and Proposition 1b funds.) (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2008-28)**

9. Resolution No. 2009-44. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH THE CITY OF CHULA VISTA IN THE AMOUNT NOT-TO-EXCEED \$30,240 AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO PROVIDE INSPECTION SERVICES IN CONJUNCTION WITH THE BAY MARINA DRIVE WIDENING PROJECT. (Funds are available in the Tax Increment Fund) (Engineering)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**UNDERGROUND UTILITY DISTRICT 16A ADMIN (904-1-12)**

10. Resolution No. 2009-45. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY SCHEDULING A PUBLIC HEARING DATE ON MARCH 17, 2009 TO DETERMINE UNDERGROUND UTILITY DISTRICT NO. 16A FOR THE PURPOSE OF CONVERTING THE OVERHEAD FACILITY ALONG PLAZA BOULEVARD FROM INTERSTATE 805 TO THE WEST OF PALM AVENUE. (Funds are available through San Diego Gas & Electric Company, allocated funds for undergrounding). (Engineering)

**ACTION:** Motion by Parra, seconded by Sotelo-Solis, to adopt the Resolution with recommended change of hearing date to April 7, 2009. Carried by unanimous vote.

**CONTRACT (C95-5)**

11. Resolution No. 2009-46. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY JOINT POWERS AGREEMENT DELETING THE EAST COUNTY FIRE PROTECTION DISTRICT AS A MEMBER AGENCY AND REVISING THE FORMULA FOR ALLOCATION OF EXPENSES. (Fire)

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

**CONTRACT (C2009-21)**

12. Resolution No. 2009-47. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY MANAGER TO EXECUTE A TOLLING AGREEMENT WITH THE COUNTY OF SAN DIEGO PERTAINING TO POTENTIAL LEGAL ACTION TO DETERMINE THE VALIDITY OF THE COUNTY'S PROPERTY TAX ADMINISTRATION FEE. (City Attorney)

**ACTION:** Adopted. See above.

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

13. Warrant Register #32 for the period of 01/28/09 through 02/03/09 in the amount of \$1,396,034.48. (Finance)

**ACTION:** Ratified. See above.

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

14. Warrant Register #33 for the period of 02/04/09 through 02/10/09 in the amount of \$2,059,877.94. (Finance)

**ACTION:** Ratified. See above.

## **PUBLIC HEARING**

### **BLOCK GRANT PROGRAM ADMIN 2009 – 2010 (406-1-24)**

15. Public Hearing – Fiscal Year 2009-2010 Funding Cycle for the CDBG and HOME Programs – Applicant Presentations. (Housing and Grants Division - Community Development Department)

**RECOMMENDATION:** Conduct the Public Hearing.

**TESTIMONY:** None.

**ACTION:** The hearing took place after Item No. 24. See below.

## **ORDINANCE FOR INTRODUCTION**

### **MUNICIPAL CODE 2009 (506-2-24)**

16. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 18 OF THE NATIONAL CITY MUNICIPAL CODE AMENDING CHAPTER 18.142 PERTAINING TO RESIDENTIAL DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVES. (Applicant: City initiated) (Case File No. 2008-15 A) (Planning)

## **NON CONSENT RESOLUTION**

### **BUDGET FY 2008-2009 (206-1-24)**

17. Resolution No. 2009-48. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AND ADOPTING THE FISCAL YEAR 2008-2009 MID-YEAR BUDGET CHANGES. (Finance)

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** A presentation was made by Finance Director Jeanette Ladrado. Copy on file in the Office of the City Clerk.

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

## **NEW BUSINESS**

### **PLANNED DEVELOPMENT PERMIT ADMIN 2009 (414-1-24)**

18. Time Extension Request – Planned Development Permit for a three-story office building including retail space and structured parking on an approximately 1-acre vacant lot on the north side of East 8<sup>th</sup> Street, west of V Avenue. (Applicant: Kamel Zayet) (Case File 2009-01 TE) (Planning)

**RECOMMENDATION:** Staff recommends that the expiration date be extended by one year to January 22, 2010.

**TESTIMONY:** None.

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

**NEW BUSINESS (cont.)**

**PLANNING & BUILDING DEPT ADMIN (1104-1-10)**

19. General Plan Annual Progress Report for 2008. (Planning & Building)

**RECOMMENDATION:** Accept and file the Report.

**TESTIMONY:** None.

**ACTION:** Motion by Van Deventer, seconded by Zarate, to accept and file. Carried by unanimous vote.

**COMMUNITY DEVELOPMENT COMMISSION**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item Nos. 20 and 21 (Warrant Registers), Item No. 22 (Resolution No. 2009-49). Motion by Parra, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

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

20. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$40,032.02 to the City of National City for the period of 01/28/09 through 02/03/09. (Finance)

**ACTION:** Approved. See above.

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

21. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$220,072.73 to the City of National City for the period of 02/04/09 through 02/10/09. (Finance)

**ACTION:** Approved. See above.

**CONTRACT (C2009-22)**

22. Resolution No. 2009-49. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING AN AGREEMENT BY AND BETWEEN THE COMMUNITY DEVELOPMENT COMMISSION AND E2 MANAGE TECH FOR AS-NEEDED ENVIRONMENTAL CONSULTING SERVICES FOR THE NATIONAL CITY REDEVELOPMENT PROJECT FOR THE PERIOD FROM MARCH 3, 2009 – NOVEMBER 30, 2010 IN THE NOT-TO-EXCEED AMOUNT OF \$150,000. (Redevelopment Division)

**ACTION:** Adopted. See above.

## NON CONSENT RESOLUTIONS

### BUDGET FY 2008-2009 (206-1-24)

23. Resolution No. 2009-50. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING AND ADOPTING THE FISCAL YEAR 2008-2009 MID-YEAR BUDGET CHANGES. (Finance)

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

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

### CONTRACT (C2009-23)

24. Resolution No. 2009-51. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN EXCLUSIVE NEGOTIATION AGREEMENT WITH THE RELATED COMPANIES OF CALIFORNIA AND COMMUNITY HOUSING WORKS FOR A TRANSIT-ORIENTED INFILL MIXED-USE AND AFFORDABLE HOUSING PROJECT. (Redevelopment Division)

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** Tony LoPresti, Environmental Health Coalition, spoke in support.

Josie Calderon, Community Housing Works, spoke in support.

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

Item No. 15 was taken up next.

## PUBLIC HEARING

### BLOCK GRANT PROGRAM ADMIN 2009 – 2010 (406-1-24)

15. Public Hearing – Fiscal Year 2009-2010 Funding Cycle for the CDBG and HOME Programs – Applicant Presentations. (Housing and Grants Division - Community Development Department)

**RECOMMENDATION:** Conduct the Public Hearing.

**TESTIMONY:** Danny Sherlock, representing the Boys & Girls Club spoke in support of funding for the After School Activities for Youth program.

Aida Flores, representing the Burn Institute, spoke in support of funding for the Senior Fire & Burn Prevention Program and Smoke Alarm Installation Program.

**PUBLIC HEARING (cont.)**

**BLOCK GRANT PROGRAM ADMIN 2009 – 2010 (406-1-24)**

15. Public Hearing – Fiscal Year 2009-2010 Funding (continued)

**TESTIMONY:** Minh Duong, National City Librarian, spoke in support of funding for the Literacy Services Program.

Kaseem Baker, representing the Community Services Department, spoke in support of funding for the At Risk Supreme Teens and Tiny Tots Programs.

Police Lieutenant Dave Espiritu, spoke in support of funding for the Homeless Outreach and Enforcement Program.

Carlos Barragan and John Estrada, representing the Community Youth Athletic Center, spoke in support of funding for the Champs for Life Sports Fitness Program.

Ditas Yamane, representing the Council of Pilipino American Organizations (COPAO), spoke in support of funding for their programs.

Aurora Cudal, representing Kalusugan Community Services, spoke in support of funding for Kabataan Violence Prevention and Leadership Development.

Irene Lopez, representing La Maestra Family Clinic, spoke in support of funding for the La Maestra Breast Cancer Education, Outreach and Screening Program.

Zoria Cordero, representing the MAAC Project, spoke in support of funding for the HOME Clinic Program.

Sam Gonzales, representing National City Pop Warner, spoke in support of funding for Diablos Football and Cheer.

Anamaria Cabato, representing PASACAT, spoke in support of funding for The Philippines Through Music and Dance Program.

Vanessa Franco, representing the San Diego Food Bank, spoke in support of funding for the Food 4 Kids Backpack Program.

Patty Chavez, representing South Bay Community Services, spoke in support of funding for the Domestic Violence Response Team and South Bay Family Justice Network Programs.



**PUBLIC HEARING (cont.)**

**BLOCK GRANT PROGRAM ADMIN 2009 – 2010 (406-1-24)**

15. Public Hearing – Fiscal Year 2009-2010 Funding (continued)

**TESTIMONY:** Mauricio Torre, representing South Bay Community Services, spoke in support of funding for the National City Police Department Juvenile Diversion Program.

Ellen Harris, representing Trauma Intervention Programs of San Diego, spoke in support of funding for the Crisis Intervention Team.

Cecilia Kirk, representing Christmas in July, spoke in support of funding for the Home Repair Program.

Pat Beard, representing the City of National City, spoke in support of funding for Granger Hall Preservation and Heritage Tourism Planning.

Kaseem Baker, representing the City of National City, spoke in support of funding for Indoor & Outdoor Basketball Court Resurfacing.

Ditas Yamane, representing the Council of Philippine American Organizations (COPAO), spoke in support of funding for their Building Renovation Project.

Terry Whittaker, representing the San Ysidro Family Health Center, spoke in support of funding for an ADA compliant ramp at the clinic.

City Engineer Maryam Babaki spoke in support of funding for Upgrade of Substandard Pedestrian Ramps, Safety and Accessibility Enhancements at Pedestrian Crossings and Miscellaneous Concrete and Storm Drain Improvements.

Alicia Sabatini, representing Los Ninos, spoke in support of funding for EVE's Project.

Lauren Maxwell, Neighborhood Council Specialist, spoke in support of funding for Neighborhood Council Program Administration.

Alfredo Ybarra, Community Development Manager, spoke on behalf of the Fair Housing Council of San Diego representative who was unable to attend the meeting. Their request for Fair Housing and Tenant-Landlord Education Services is a HUD mandated program.

**PUBLIC HEARING (cont.)**

**BLOCK GRANT PROGRAM ADMIN 2009 – 2010 (406-1-24)**

15. Public Hearing – Fiscal Year 2009-2010 Funding (continued)

**ACTION:** No action was taken. An additional hearing is scheduled on March 17, 2009.

**OFF AGENDA ITEM**

CDC Executive Director Brad Raulston requested that the CDC add an item to the agenda authorizing the Mayor to sign a letter of support in conjunction with the grant application relating to the ENA for Agenda Item No. 24.

**ACTION:** Motion by Zarate, seconded by Van Deventer, to add the item to the Agenda with a finding that the need to act arose after the agenda was posted.

Carried by unanimous vote.

Motion by Van Deventer, seconded by Zarate, to authorize the Mayor and the City's development partner, The Related Companies of California and Community Housing Works, to submit applications for necessary grant funds and to execute a letter of support for the project that demonstrates it as a priority for the City's housing resources. Carried by unanimous vote.

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

City Council / CDC Attorney George Eiser stated that there was nothing to report from the item appearing on the printed agenda for the 5:30 p.m. Closed Session. (See attached Exhibit 'L')

Attorney Eiser further reported that he requested that the City Council consider an add-on item to the closed session agenda. The background of the request is that the City Attorney's office has been working with the Police Department on nuisance abatement against a location in the City that is experiencing a very high level of serious criminal activity. It came to the City Attorney's attention in the late afternoon of March 3rd that commencement of nuisance abatement litigation was necessary prior to the March 17<sup>th</sup> City Council meeting. The City Council acted to add the additional item to the closed session agenda on the basis that the need to take action arose after the closed session agenda was posted. The Council then authorized initiation of the nuisance abatement litigation.

The nature of the litigation and the parties to the litigation will not be disclosed at this time. Upon request, that information will be disclosed after the action is filed, unless to do so would interfere with the service of process. The City Council's action in closed session to approve commencement of the nuisance abatement litigation was authorized pursuant to Government Code Section 54956.9(c), which permits a closed session conference with legal counsel to discuss the initiation of litigation.

**STAFF REPORTS**

Police Chief Adolfo Gonzales reported on sale of the herb salvia and recommended consideration be given to adopting an Ordinance limiting its sale and distribution within the City since the State law does not adequately address the problem. Staff will return with a proposed Ordinance for Council consideration.

Assistant City Manager Leslie Deese thanked staff for the Police Command Vehicle Event.

**MAYOR AND CITY COUNCIL**

Member Parra recommended that the City Council aggressively recruit and move forward to make appointments to fill vacancies on City boards and commissions and requested that the Mayor look at openings on regional boards and move forward to fill them. Mr. Parra said he believes homelessness is a problem that has serious impacts on the community.

Member Sotelo-Solis reported on Naval Station sound issues during the raising and lowering of colors and referred to staff pot holes on 8<sup>th</sup> Street between D and F Avenues.

Member Zarate said that the new police command vehicle is awesome and referred to staff the presence of weeds on property at 18<sup>th</sup> and Harding.

**ADJOURNMENT**

The meeting was adjourned to the next Regular Meeting of the City Council and Community Development Commission to be held Tuesday, March 17, 2009 at 6:00 p.m., Council Chamber, Civic Center.

The meeting closed at 9:20 p.m.

  
City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of April 7, 2009.

  
Mayor / CDC Chairman

**EXHIBIT 'L'**

**AGENDA OF A SPECIAL MEETING**

**City Council of the City of National City**

**City Council Chambers  
Civic Center**

**1243 National City Boulevard  
National City, California**

**Tuesday – March 3, 2009 – 5:30 P.M.**

**BUSINESS**

**CLOSED SESSION**

**CITY COUNCIL**

Liability Claims – Government Code Section 54956.95

Worker's Compensation Claims

Agency Claimed Against: City of National City of National City

Number of Claims: Two

**ADJOURNMENT**

Next Regular City Council Meeting – Tuesday – March 3, 2009 – 6:00 p.m.  
Council Chambers, Civic Center

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