

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

May 5, 2009

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:18 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

None.

PROCLAMATION

PROCLAMATION ADMIN (102-2-1)

1. **SUBJECT:** Proclaiming Friday, May 15, 2009 as: **"BIKE TO WORK DAY"**

PRESENTATIONS

COUNCIL MEETING PRESENTATIONS 2009 (102-10-4)

2. **SUBJECT:** 211 San Diego Update (San Diego's primary source for community, health and disaster information) – Lourdes Jimenez, Director of External Affairs

COUNCIL MEETING PRESENTATIONS 2009 (102-10-4)

FIRE DEPT ADMIN (305-1-1)

3. **SUBJECT:** Fire Truck Replacement Proposal (Fire)
Fire Chief Rod Juniel outlined the need and presented a proposal for the purchase of a new Pierce Arrow 105 foot aerial ladder truck using both Federal and City funding sources. (Copy on file in the Office of the City Clerk.)

PRESENTATIONS (cont.)

COUNCIL MEETING PRESENTATIONS 2009 (102-10-4)

FIRE DEPT ADMIN (305-1-1)

3. **SUBJECT:** Fire Truck Replacement Proposal (continued).
RECOMMENDATION: Accept Federal Emergency Management Agency (FEMA) Grant funding in the amount of \$248,456; approve award to Pierce Manufacturing and direct staff to purchase a Pierce Arrow XT 105' Quint Truck at a total cost of \$953,669, with remainder of funding to come from existing Development Impact Fees of \$90,000 plus an estimated \$25,000 per year, Fire Operations Budget and a re-payment agreement between the Civic Center Refurbishing Fund and National City Fire Department.
ACTION: Motion by Parra, seconded by Van Deventer, to approve staff recommendation. Carried by unanimous vote.

Item No. 39 was taken up next

STAFF REPORT

FIRE DEPT ADMIN (305-1-1)

39. **SUBJECT:** Swine Flu update. (Homeland Security)
Fire Chief Rod Juniel and Neighborhood Council Coordinator Rudy Lopez briefed the Council on efforts undertaken to inform and educate the public and staff on how to protect themselves during the current Swine Flu outbreak.

INTERVIEWS AND APPOINTMENTS

BOARDS & COMMISSIONS ADMIN (101-1-1)

4. **SUBJECT:** Interviews and Appointments: Various Boards & Commissions.
The following individuals were present and appeared for interview: Julieta Alejandro, Harold Aranda, Paul Ecdao, Matias Garcia, David Gass, Ted Muehleisen, Mona Rios, and Katherine Wesner.
ACTION: Mayor Morrison announced that applications would continue to be accepted and additional interviews and possible appointments would be scheduled at the next City Council meeting.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 5 (Minutes), Item No. 6 (NCCM), Item Nos. 7 through 12 (Resolution Nos. 2009-89 through 2009-94), Item Nos. 13 and 14 (Warrant Registers), Item No. 15 (Report). Motion by Parra, seconded by Sotelo-Solis, to approve the Consent Calendar. Carried by unanimous vote. NOTE: Member Van Deventer announced that, in order to avoid any possible conflict of interest, he would be abstaining from discussing or voting on Item No. 14 (Warrant Register #42) because warrant number 226270 is for one of his tenants.

APPROVAL OF MINUTES

5. **SUBJECT:** Approval of the Minutes of the Adjourned Regular City Council/Community Development Commission Meeting of March 21, 2009. (City Clerk)

ACTION: Approved. See above.

MUNICIPAL CODE 2009 (506-2-24)

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)

ACTION: Approved. See above.

CONTACT (C2009-34)

7. Resolution No. 2009-89. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO G.A. DOMINQUEZ IN THE AMOUNT OF \$54,491 TO PROVIDE IMPROVEMENTS TO THE NATIONAL CITY KIMBALL HOUSE MUSEUM, WHICH WOULD MAKE THIS HISTORICAL BUILDING ADA COMPLIANT. (Funded through Tax Increment Funds) (Engineering)

ACTION: Adopted. See above.

CONTRACT (C2008-67)

8. Resolution No. 2009-90. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN AMENDMENT TO EXISTING AGREEMENT WITH WADE & ASSOCIATES IN THE AMOUNT NOT-TO-EXCEED \$20,016 FOR HIGHLAND AVENUE RESURFACING PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT. (Funded by Tax Increment Funds). (Engineering)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

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

9. Resolution No. 2009-91. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE FILING OF A GRANT APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA)/TRANSNET BICYCLE AND PEDESTRIAN PROJECTS FUNDS FOR THE SWEETWATER BIKEWAY GAP CLOSURE PROJECT ALONG PLAZA BONITA ROAD IN THE CITY OF NATIONAL CITY AND AUTHORIZING THE CITY OF NATIONAL CITY TO ACT AS THE SPONSOR FOR THE PROJECT. (Funding through TDA grant; local match not required). (Engineering)

TESTIMONY: County Supervisor Greg Cox spoke in support of the Resolution.

ACTION: Adopted. See above.

CONTRACT (C2004-20)

10. Resolution No. 2009-92. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AGREEMENT WITH MAYER HOFFMAN MCCANN P.C. FOR INDEPENDENT AUDITING SERVICES FOR FISCAL YEAR ENDING JUNE 30, 2009. (Finance)

ACTION: Adopted. See above.

CONTRACT (C2008-61)

11. Resolution No. 2009-93. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A GOVERNMENTAL AFFAIRS CONSULTING AGREEMENT BETWEEN THE CITY AND BUSTAMANTE & ASSOCIATES. (City Attorney)

ACTION: Adopted. See above.

LABOR RELATIONS MEA MOU 2007 - 2009 (605-4-9)

CONTRACT (C2007-33)

12. Resolution No. 2009-94. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING A SIDE LETTER TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE NATIONAL CITY MUNICIPAL EMPLOYEES' ASSOCIATION, AMENDING THE AGREEMENT TO ALLOCATE \$25,000 TOWARDS THE REFURBISHMENT (i.e. paint, appliances and cabinet repair/replacement) OF THE CITY HALL EMPLOYEE LOUNGE TO INCLUDE THE PUBLIC WORKS EMPLOYEE LOUNGE. (Human Resources)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

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

13. Warrant Register #41 for the period of 04/01/09 through 04/07/09 in the amount of \$2,324,960.49. (Finance)
ACTION: Ratified. See above.

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

14. Warrant Register #42 for the period of 04/08/09 through 04/14/09 in the amount of \$497,414.20. (Finance)
ACTION: Motion by Parra, seconded by Sotelo-Solis, to ratify Warrant Register #42. Carried by the following vote, to-wit: Ayes: Morrison, Parra, Sotelo-Solis, Zarate. Nays: None. Absent: None. Abstain: Van Deventer.

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

15. **SUBJECT:** Investment Report for quarter ended March 31, 2009. (Finance)
ACTION: Filed. See above.

PUBLIC HEARING

SUBDIVISIONS / VARIANCES 2009 (415-1-5)

16. Public Hearing – Public Hearing and Negative Declaration for a proposed 7 Lot Residential Tentative Subdivision Map, including requests for exceptions for lot size, lot width and street frontage, a variance request for three story units, setbacks, and a request to waive undergrounding of utilities fronting on Prospect Street on 0.71-acre site at 2121 Grove Street. (Applicant: Arnold Schmidt) (Case File No. 2007-59 S, IS, Z) (Planning)
RECOMMENDATION: Staff recommends approval of the Tentative Subdivision Map, Negative Declaration, and Underground Request Waiver.
TESTIMONY: Luis Naranto, representing the applicant, spoke in support and responded to questions.
Zenda Smith Berry, National City, spoke in opposition.
L. Aguillard, National City, spoke in opposition.
Janice Martinelli, National City, representing the applicant, spoke in support.
Terry Shippon, San Diego, appeared on behalf of the Moya family, spoke in opposition.
Charles Harlow, Chula Vista, spoke in opposition.
Alfonso Hernandez, National City, spoke in opposition.

PUBLIC HEARING (cont.)

SUBDIVISIONS / VARIANCES 2009 (415-1-5)

16. Public Hearing – Public Hearing and Negative Declaration (continued).
ACTION: Motion by Parra, seconded by Zarate, to close the Public Hearing. Carried by unanimous vote. Motion by Parra, seconded by Van Deventer, to deny based on findings of the Planning Commission. Carried by unanimous vote.

ORDINANCES FOR INTRODUCTION

MUNICIPAL CODE 2009 (506-2-24)

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADDING CHAPTER 9.37 TO THE NATIONAL CITY MUNICIPAL CODE TO PROHIBIT SMOKING IN OPEN AIR DINING AREAS. (City Attorney)
TESTIMONY: Jonathan Yepiz, Chula Vista, representing South Bay Youth for Change, spoke in support.
Silvia Martinez, National City, spoke in support.
Paty Arvizu, San Diego, representing South Bay Youth for Change, spoke in support.
Tony LoPresti, National City, spoke in support.
ACTION: Motion by Parra, seconded by Van Deventer, to amend the Ordinance for introduction to allow 20 feet from the outside smoking area. Carried by the following vote, to-wit: Ayes: Parra, Sotelo-Solis, Van Deventer, Zarate. Nays: Morrison. Absent: None. Abstain: None.

MUNICIPAL CODE 2009 (506-2-24)

18. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING THE NATIONAL CITY MUNICIPAL CODE CHAPTER 18.62 AND LOCAL COASTAL PROGRAM IMPLEMENTATION DOCUMENT SECTION XII PERTAINING TO SIGNS AND OUTDOOR ADVERTISING. (Applicant: City initiated) (Case File No. 2007-41 A, LCP) (Planning)

MUNICIPAL CODE 2009 (506-2-24)

19. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING THE HARBOR DISTRICT SPECIFIC AREA PLAN OF THE LOCAL COASTAL PROGRAM PERTAINING TO SIGNS. (Case File No. 2009-2 LCPA) (Planning)

NON CONSENT RESOLUTIONS

DONATIONS RECEIVED (209-1-4) CONTRACT (C2009-35)

20. Resolution No. 2009-95. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE DONATION OF A JAMES HUBBELL'S ART PIECE TO THE LIBRARY FOR A VALUE OF \$8,404 FROM THE FRIENDS OF THE LIBRARY CONSISTENT WITH CITY COUNCIL'S DONATION POLICY #204. (Library)

RECOMMENDATION: Acceptance of donation.

TESTIMONY: None.

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

Item No. 27 was taken up next.

NEW BUSINESS

KIMBALL PARK ADMIN (702-1-1)

27. **SUBJECT:** Update on Kimball Park Soccer Field project and request Council to accept landscape design concept. (Engineering/Community Services) **Companion Item #21**

RECOMMENDATION: Accept landscape design concept.

TESTIMONY: None.

ACTION: Following lengthy discussion staff was directed to reconsider the possibility of using one of the baseball fields and to report back to Council. There was no vote.

NON CONSENT RESOLUTIONS

BUDGET TRANSFERS ADMIN (103-2-4)

KIMBALL PARK ADMIN (702-1-1)

21. Resolution No. 2009-96. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ALLOCATION OF FUNDS IN THE AMOUNT OF \$291,000 FROM PARKS AND RECREATION CAPITAL OUTLAY FUND TO THE KIMBALL PARK SOCCER PROJECT. (Engineering/Community Services) **Companion Item #27**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: No action taken.

NON CONSENT RESOLUTIONS (cont.)

CONTRACT (C2009-36)

22. Resolution No. 2009-97. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A MEMORANDUM OF UNDERSTANDING BY AND AMONG THE CITY OF CHULA VISTA, THE CITY OF NATIONAL CITY, THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY AND NCSDI NO. 1 L.L.C. RELATED TO PLANS PROCESSING, ENVIRONMENTAL IMPACTS ANALYSIS, TAXATION AND COOPERATION FOR A PROPOSED COMMERCIAL PROJECT ON 26.57 ACRES CURRENTLY KNOWN AS THE HARBOR DRIVE IN, WHICH IS LOCATED BOTH IN THE CITY OF NATIONAL CITY AND THE CITY OF CHULA VISTA. (Community Development) **Companion Item #37**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: Colton Sudberry, representing the applicant, spoke in support and responded to questions.

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

Item No. 37 was taken up next.

CONSENT CALENDAR

CONTRACT (C2009-36)

37. Resolution No. 2009-102. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING A MEMORANDUM OF UNDERSTANDING BY AND AMONG THE CITY OF CHULA VISTA, THE CITY OF NATIONAL CITY, THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY, AND NCSDI NO. 1 L.L.C. RELATED TO PLANS PROCESSING, ENVIRONMENTAL IMPACTS ANALYSIS, TAXATION AND COOPERATION FOR A PROPOSED COMMERCIAL PROJECT ON 26.57 ACRES CURRENTLY KNOWN AS THE HARBOR DRIVE IN, WHICH IS LOCATED BOTH IN THE CITY OF NATIONAL CITY AND THE CITY OF CHULA VISTA. (Community Development) **Companion Item #22**

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

NON CONSENT RESOLUTIONS (cont.)

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)
LABOR RELATIONS CITY ATTORNEY (605-11-1)

23. Resolution No. 2009-98. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY REDUCING THE CITY'S EMPLOYER PAID MEMBER CONTRIBUTION (EPMC) TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BY TWO PERCENT FOR THE MANAGEMENT GROUP AND THREE PERCENT FOR THE EXECUTIVE GROUP, FURTHER REDUCING THE CITY'S EPMC BY ONE PERCENT FOR A TOTAL OF THREE PERCENT FOR THE CITY ATTORNEY; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2009. (Human Resources)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: Assistant City Manager Leslie Deese gave a lengthy oral report on Agenda Item Nos. 23, 24 and 25.

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

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)

24. Resolution No. 2009-99. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE UPWARD ADJUSTMENT IN THE SALARY BANDS FOR CLASSIFICATIONS WITHIN THE EXECUTIVE AND MANAGEMENT GROUPS OF UP TO SIX PERCENT. (Human Resources)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)

25. Resolution No. 2009-100. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A COMPENSATION PLAN FOR MEMBERS OF THE EXECUTIVE AND MANAGEMENT GROUPS, AUTHORIZING THE CITY MANAGER TO PROVIDE HOUSING OR HOUSING DIFFERENTIAL PAYMENTS, AND ONE-TIME PERFORMANCE BASED PAYMENTS TO EXECUTIVES IN THE CITY MANAGER'S OFFICE IN LIEU OF ONGOING SALARY INCREASES, AND AUTHORIZING THE CITY MANAGER TO ESTABLISH A ONE-TIME DEFERRED COMPENSATION PROGRAM FOR EXECUTIVES AND MANAGERS NOT IN THE CITY MANAGER'S OFFICE. (Human Resources)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

NON CONSENT RESOLUTIONS (cont.)

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)

25. Resolution No. 2009-100 (continued).

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

EMPLOYMENT CONTRACT - CHRIS ZAPATA (604-6-2)

26. Resolution No. 2009-101. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A FIFTH AMENDMENT TO EMPLOYMENT AGREEMENT WITH CITY MANAGER, CHRIS ZAPATA TO EXTEND THE TERM OF THE AGREEMENT TO FEBRUARY 8, 2012, TO PROVIDE THAT THE CITY MANAGER SHALL PAY 3% OF THE EMPLOYER-PAID CALPERS MEMBER CONTRIBUTION, AND GRANTING A ONE-TIME PERFORMANCE BASED PAYMENT OF \$17,500. (Human Resources)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

NEW BUSINESS

KIMBALL PARK ADMIN (702-1-1)

27. **SUBJECT:** Update on Kimball Park Soccer Field project and request Council to accept landscape design concept. (Engineering/Community Services) **Companion Item #21**

ACTION: Taken up earlier in the meeting. See above.

Member Van Deventer announced that he would abstain from participating or voting on Item No. 28 due to the fact that he has a project currently before the City that involves fees.

STUDY CITY FEE SCHEDULE (106-3-2)

28. **SUBJECT:** Report on temporary roll back of City fees - Council initiated. (Planning & Building)

RECOMMENDATION: That Council provide direction.

TESTIMONY: Chip Gabriel, Paradise Village Retirement Center, recounted the experience and frustration his project has had with current fee and how that has impacted their project.

ACTION: Staff was requested to look at rolling back fees to what they were before the last fee increase as well as the possibility of amnesty for projects done without benefit of proper permits. The target date for the changes will be July 1st. There was no vote.

NEW BUSINESS (cont.)

TEMPORARY USE PERMITS 2009 (203-1-25)

29. **SUBJECT:** Temporary Use Permit – National City Public Library’s 23rd Annual Chili & Salsa Cook-Off at 1401 National City Blvd. on May 16, 2009 from 10 a.m. to 3 p.m. This is a National City sponsored event. (Neighborhood Services)

RECOMMENDATION: Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval with a waiver of fees.

TESTIMONY: None.

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

TEMPORARY USE PERMITS 2009 (203-1-25)

30. **SUBJECT:** Temporary Use Permit – St. Anthony of Padua Festival, May 16-17, 2009 from 10:00 a.m. to 6:30 p.m. daily at 1816 Harding 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.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Parra, to clarify the hours for the event to be Saturday from 10 am to 9 pm and Sunday from 10 am to 6:30 pm and approve staff recommendation. Carried by unanimous vote.

TEMPORARY USE PERMITS 2009 (203-1-25)

31. **SUBJECT:** Temporary Use Permit - Old Town National City 5th Reunion at Casa De Salud on June 27, 2009 from 2 p.m. to 5:30 p.m. 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: Dukie Valderrama, National City, requested council consider waiver of fees because all money raised during the event will go back to the community.

ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to approve application with waiver of fees. Carried by the following vote, to-wit: Ayes: Morrison, Parra, Sotelo-Solis, Van Deventer. Nays: None. Absent: None. Abstain: Zarate.

NEW BUSINESS (cont.)

TEMPORARY USE PERMITS 2009 (203-1-25)

32. **SUBJECT:** Temporary Use Permit - Lions Club Annual Independence Day Carnival hosted by the City and the Lions Club at Kimball Park from July 1, 2009 to July 5, 2009. This is a City sponsored event eligible for a maximum fee reduction of \$1,500 per day. (Neighborhood Services)

RECOMMENDATION: Approve the application for a Special Event Permit subject to compliance with all conditions of approval and approve the waiver of fees in the amount of \$7,500, as was granted for last year's event.

TESTIMONY: None.

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

TEMPORARY USE PERMITS 2009 (203-1-25)

33. **SUBJECT:** Temporary Use Permit – National City Certified Farmers' Market request for a temporary waiver of fees and vendor business licenses for May 13, 20, and 27th, 2009. (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 Van Deventer, seconded by Parra, to approve staff recommendation. Carried by unanimous vote.

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 34 and 35 (Warrant Registers), Item No. 36 (Report), Item No. 37 (Resolution No. 2009-102). Motion by Van Deventer, seconded by Parra, to approve the Consent Calendar. Carried by unanimous vote.

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

34. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$842,834.75 to the City of National City for the period of 04/01/09 through 04/07/09. (Finance)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

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

35. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$104,369.83 to the City of National City for the period of 04/08/09 through 04/14/09. (Finance)

ACTION: Approved. See above.

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

36. **SUBJECT:** Investment Report for quarter ended March 31, 2009. (Finance)

ACTION: Filed. See above.

CONTRACT (C2009-36)

37. Resolution No. 2009-102. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING A MEMORANDUM OF UNDERSTANDING BY AND AMONG THE CITY OF CHULA VISTA, THE CITY OF NATIONAL CITY, THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY, AND NCS DI NO. 1 L.L.C. RELATED TO PLANS PROCESSING, ENVIRONMENTAL IMPACTS ANALYSIS, TAXATION AND COOPERATION FOR A PROPOSED COMMERCIAL PROJECT ON 26.57 ACRES CURRENTLY KNOWN AS THE HARBOR DRIVE IN, WHICH IS LOCATED BOTH IN THE CITY OF NATIONAL CITY AND THE CITY OF CHULA VISTA. (Community Development) **Companion Item #22**

ACTION: Taken up earlier in the meeting. See above.

NEW BUSINESS

None.

STAFF REPORTS

CLOSED SESSION REPORT (509-1-4)

City Council / CDC Attorney George Eiser gave the following report on the two items considered in the Closed Session held at 5:00 p.m. (See attached Exhibit 'L')

The first was an add-on item to confer with the City's labor negotiators under Government Code Section 54957.6. The City's designated representatives are Leslie Deese, Manuel Rodriguez, Stacey Stevenson, Joe Smith, Claudia Silva, and Eddie Kreisberg. The employee organization is the National City Police Officers' Association (POA). The need to take action arose after the agenda was posted because the City's representatives met with the POA's representatives through the afternoon of May 5, and realized after the negotiations had ended for

STAFF REPORTS (cont.)

CLOSED SESSION REPORT (509-1-4)

City Council / CDC Attorney George Eiser stated the following are the two items to report (continued).

the day that direction was needed from the City Council prior to the next Council meeting on May 19.

The second item appeared on the printed agenda for the 5:00 p.m. special meeting closed session as a conference with legal counsel for anticipated litigation under Government Code Section 54956.9(c). Under consideration was the initiation of litigation involving one case. The City Council authorized the initiation of litigation in that one case. The identities of the action and the defendants will not be disclosed at this time, but once litigation has formally commenced, will be disclosed to any person upon inquiry, unless to do so would jeopardize the ability to effectuate service of process on one or more unserved parties, or would jeopardize the ability to conclude existing settlement negotiations.

PUBLIC WORKS DEPT ADMIN (1104-1-11)

38. **SUBJECT:** Diesel Emission Replacement Grant update. (Public Works)

TESTIMONY: Public Works Director Don Smith reported that recent state grants to purchase low emission off-road equipment and other steps taken by the City including replacement of city fleet vehicles with hybrids have resulted in National City being close to 100 per cent compliant with the carbon footprint standards set by the state and county.

ACTION: None.

FIRE DEPT ADMIN (305-1-1)

39. **SUBJECT:** Swine Flu update. (Homeland Security)

ACTION: Taken up earlier in the meeting. See above.

COMMUNITY DEVELOPMENT ADMIN 2007-2010 (406-2-12)

40. **SUBJECT:** National City's partnership with the San Diego Regional Climate Protection Initiative. (Community Development)

CDC Executive Director Brad Raulston informed Commissioners about a partnership with the Regional Climate Protection Initiative that will result in a fellow being assigned to National City to study our green house gas emissions.

Code Enforcement staff reported that the annual holiday vendor check efforts are planned in conjunction with Mother's Day.

MAYOR AND CITY COUNCIL

No Report.

ADJOURNMENT

The meeting was adjourned in memory of Mrs. Merle Crain Pickering, a long time National City resident who passed away on April 15th, just 12 days shy of her 108th birthday.

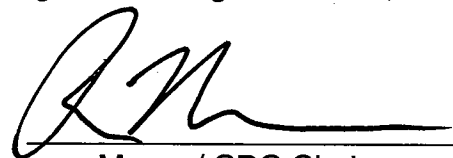
Motion by Parra, seconded by Sotelo-Solis, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission to be held Tuesday, May 19, 2009 at 6:00 p.m., Council Chamber, Civic Center City.

The meeting closed at 10:15 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of June 16, 2009.



Mayor / CDC Chairman

EXHIBIT 'L'

**Agenda of a Special Meeting
City Council of the City of National City
Main Conference Room
Civic Center
1243 National City Boulevard
Special Meeting - Tuesday - May 5, 2009 - 5:00 P.M.**

ROLL CALL

CLOSED SESSION

1. Public Employee Performance Evaluation - Government Code Section 54957 Title: City Attorney
2. Conference with Legal Counsel - Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54946.9 (c)
One Potential Case

ADJOURNMENT

Next Regular City Council/CDC Meeting - Tuesday, May 5, 2009, 6:00 p.m.,
Council Chambers, Civic Center