



AGENDA OF A SPECIAL MEETING
PARKING AUTHORITY OF THE CITY OF NATIONAL CITY
ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST
COUNCIL CHAMBERS
CIVIC CENTER

1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, NOVEMBER 16, 2021 – 6:00 PM

ALEJANDRA SOTELO-SOLIS
Chairwoman

JOSE RODRIGUEZ
Boardmember

MARCUS BUSH
Boardmember

RON MORRISON
Boardmember

MONA RIOS
Boardmember

NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health And Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the Parking Authority Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at www.nationalcityca.gov/webcast. **For Public Comments see "Public Comments" section below.**

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the Parking Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the third Tuesday of August annually. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m., or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda.

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meeting of the Elected Boy are webcast and archived on the City's website www.nationalcityca.gov.

PUBLIC COMMENTS: The Parking Authority will receive public comments via e-mail at PublicComment@nationalcityca.gov regarding any matters within the jurisdiction of the Parking Atuthority. Written comments or testimony from the public (limited to three minutes) must be submitted via email **by 4:00 p.m.** on the day of the Parking Authority Meeting. All comments received from the public will be made a part of the record of the meeting. The time limit established for public testimony is three minutes per speaker. The Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or unrelated.

1243 National City Blvd.
National City, CA 91950
619-336-4240

Meeting agendas and
minutes available on web

WWW.NATIONALCITYCA.GOV

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT AGENDA: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Boardmember, a staff member, or a member of the public.

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 (619) 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.

OPEN TO THE PUBLIC

CALL TO ORDER

ROLL CALL

CONSENT CALENDAR

1. Approval of Meeting Minutes: Virtual Special Meeting of October 6, 2020. (City Clerk)
2. Resolution of the Parking Authority of the City of National City approving and authorizing the Chairwoman to execute the Sixteenth Amendment to the Option to Purchase Agreement with the County of San Diego for the purchase of an Open-Space Easement on a 15.08 acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road that extends the term of said Option Agreement through December 31, 2023, and authorizing payment in the amount of \$1.00 to the County of San Diego as consideration for the Sixteenth Amendment. (Housing Authority)

ADJOURNMENT

Regular Meeting of the Parking Authority of the City of National City - Tuesday - August 16, 2022 - 6:00 p.m. - Council Chambers - National City, California.



**NOTICE OF SPECIAL MEETING
PARKING AUTHORITY OF THE CITY OF NATIONAL CITY**

ONLINE ONLY MEETING
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COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, NOVEMBER 16, 2021 – 6:00 PM

NOTICE IS HEREBY GIVEN, that the Parking Authority of the City of National City will hold a Special Meeting on **Tuesday, November 16, at 6:00 p.m.**, or as soon thereafter as the matter may be considered, in the Council Chambers at the Civic Center, 1243 National City Boulevard, National City, California, 91950. The business to be transacted at said meeting will be for the Parking Authority of the City of National City to consider the following:

OPEN TO THE PUBLIC

CALL TO ORDER

ROLL CALL

CONSENT CALENDAR

1. Approval of Meeting Minutes: Virtual Special Meeting of October 6, 2020. (City Clerk)
2. Resolution of the Parking Authority of the City of National City approving and authorizing the Chairwoman to execute the Sixteenth Amendment to the Option to Purchase Agreement with the County of San Diego for the purchase of an Open-Space Easement on a 15.08 acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road that extends the term of said Option Agreement through December 31, 2023, and authorizing payment in the amount of \$1.00 to the County of San Diego as consideration for the Sixteenth Amendment. (Housing Authority)

ADJOURNMENT

Regular Meeting of the Parking Authority of the City of National City - Tuesday - August 16, 2022 - 6:00 p.m. - Council Chambers - National City, California.

Item # 1

11-16-2021

APPROVAL OF MEETING MINUTES

PARKING AUTHORITY

Virtual Special Meeting: October 6, 2020

(City Clerk)



**MINUTES OF THE SPECIAL VIRTUAL MEETING OF THE
PARKING AUTHORITY OF THE CITY OF NATIONAL CITY**

October 6, 2020

The Special Meeting of the Parking Authority of the City of National City was called to order at 9:20 p.m. by Mayor / Chairwoman Alejandra Sotelo-Solis.

ROLL CALL

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

Absent: Cano

Administrative Officials present: Morris-Jones, Pedone, Raulston, and Winney.

PUBLIC COMMENTS – None.

CONSENT CALENDAR

- 1. Adopt Resolution No. 2020-1. Resolution of the Parking Authority of the City of National City approving and authorizing the Chairwoman to execute the Fourteenth Amendment to the Option to Purchase Agreement with the County of San Diego for the purchase of an Open-Space Easement on a 15.08 acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road that extends the term of said Option Agreement through December 31, 2021, and authorizing payment in the amount of \$1.00 to the County of San Diego as consideration for the Fourteenth Amendment.**

ACTION: Motion by Vice-Chair Rios, seconded by Board member Morrison, to adopt the Resolution. Carried by unanimous vote of those present, 4-0, with Board member Cano absent.

CLOSED SESSION REPORT: None.

ADJOURNMENT

Motion by Board member Morrison, seconded by Board member Quintero, to adjourn the meeting at 9:21 p.m. to the next Regular Meeting of the Parking Authority of the City of National City - Tuesday – August 17, 2021 - 6:00 p.m. – Council Chambers - National City, California. Carried by unanimous vote of those present.

City Clerk

The foregoing minutes were approved at the Special Meeting of November 16, 2021.

Mayor

**CITY OF NATIONAL CITY, CALIFORNIA
PARKING AUTHORITY AGENDA STATEMENT**

MEETING DATE: November 16, 2021

AGENDA ITEM NO. 2

ITEM TITLE: Resolution of the Parking Authority of the City of National City approving and authorizing the Chairwoman to execute the Sixteenth Amendment to the Option to Purchase Agreement with the County of San Diego for the purchase of an Open-Space Easement on a 15.08 acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road that extends the term of said Option Agreement through December 31, 2023, and authorizing payment in the amount of \$1.00 to the County of San Diego as consideration for the 16th Amendment.

PREPARED BY: Gregory Rose
Property Agent

DEPARTMENT: Housing Authority

PHONE: 619-336-4266

APPROVED BY: 

EXPLANATION:

The Parking Authority of the City of National City entered into an Option to Purchase Agreement ("Option Agreement") with the County of San Diego on March 20, 2007 that provided the Parking Authority the option to purchase the current Open-Space Easement attached to a 15.08-acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road to develop a CarMax Superstore. The Option Agreement has been amended fifteen times since 2007, fourteen amendments extending the Option Agreement for one year and one amendment changing the purchase price. The Sixteenth Amendment to the Option to Purchase Agreement extends the term of the Option Agreement for two years through December 31, 2023 and allows the document to be signed in counterparts or electronically.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

No Fiscal Impact – This report is informational only, there is no fiscal impact associated with the report.

ENVIRONMENTAL REVIEW:

No CEQA Exemption - This action is not subject to review under the California Environmental Quality Act (CEQA).

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Adoption of the Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

- 1: Sixteenth Amendment to the Option to Purchase Agreement
- 2: Resolution

SIXTEENTH AMENDMENT TO OPTION TO PURCHASE AGREEMENT

This Sixteenth Amendment to Option to Purchase Agreement ("Sixteenth Amendment") is made as of _____, by and between the County of San Diego, a political subdivision of the State of California ("County") and the Parking Authority of the City of National City, a public body corporate and politic created pursuant to the Parking Law of 1949 ("Optionee") with reference to the following facts:

RECITALS

1. Optionee owns a 15.08-acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road in National City, California, identified as County Assessor Parcel Number 564-4 71-11 ("Property").
2. In 1978, Optionee conveyed to County an easement for open space and park purposes ("Easement") over the Property.
3. Optionee wishes to purchase the Easement from County.
4. On April 3, 2007, County and Optionee entered into an Option to Purchase Agreement ("Option Agreement") setting forth the terms of an option whereby Optionee could purchase the Easement from County.
5. On December 13, 2007, Optionee exercised its option to purchase the Easement, and on March 12, 2008, Optionee and County opened escrow pursuant to the terms of the Option Agreement. The escrow was subsequently cancelled in 2011.
6. Optionee was unable to meet the 90-day deadline for closing escrow and requested that the date for close of escrow be extended to December 31, 2008.
7. On July 2, 2008, County and Optionee executed the First Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2008.
8. Optionee was unable to meet the December 31, 2008 deadline. On October 14, 2008, County and Optionee executed the Second Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2009.
9. Optionee was unable to meet the December 31, 2009 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On December 8, 2009, the parties executed the Third Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2010.
10. Optionee was unable to meet the December 31, 2010 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On January 1, 2011, County and Optionee executed the Fourth Amendment,

which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2011.

11. Optionee was unable to meet the December 31, 2011 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On March 6, 2012, County and Optionee executed the Fifth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2012.

12. Optionee was unable to meet the December 31, 2012 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On November 1, 2013, County and Optionee executed the Sixth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2013.

13. Optionee was unable to meet the December 31, 2013 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On December 3, 2014, County and Optionee executed the Seventh Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2014.

14. Optionee was unable to meet the December 31, 2014 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On April 21, 2015, County and Optionee executed the Eighth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2015.

15. On October 21, 2014, the Board of Optionee approved an Exclusive Negotiating Agreement ("ENA") between Optionee and CarMax Auto Superstores California, LLC ("CarMax") to allow Optionee and CarMax to negotiate the potential sale to CarMax of approximately 9.5 acres of the Property.

16. On August 18, 2015, the Board of Optionee approved an Option Agreement ("CarMax Option") between Optionee and CarMax to grant CarMax the right to purchase at least 9.5 acres for not less than \$3,500,000 and additional compensation for each square foot in excess of 9.5 acres of the Property.

17. Pursuant to Section 9 of the CarMax Option, a condition precedent to the close of escrow under the CarMax Option between Optionee and CarMax is Optionee's completion of the purchase of the Easement from the County.

18. Optionee was unable to meet the December 31, 2015 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for an additional year. Therefore, on December 28, 2015, the parties executed the Ninth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2016.

19. Optionee was unable to meet the December 31, 2016 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On December 6, 2016, County and Optionee executed the Tenth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2017.

20. Optionee was unable to meet the December 31, 2017 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On December 26, 2017, County and Optionee executed the Eleventh Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2018.

21. Optionee was unable to meet the December 31, 2018 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On December 4, 2018, County and Optionee executed the Twelfth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2019.

22. Optionee was unable to meet the December 31, 2019 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On December 16, 2019, County and Optionee executed the Thirteenth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2020.

23. Optionee was unable to meet the December 31, 2020 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for one additional year. On October 19, 2020, County and Optionee executed the Fourteenth Amendment, which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2021.

24. Due to the change in circumstances, the developable area of the Property was reduced. On December 1, 2020, County and Optionee executed the Fifteenth Amendment, which reduced the Purchase Price of the Easement from \$3,000,000 to \$2,100,000 to be paid by the Optionee to County in accordance with the Option Agreement.

25. Optionee is unable to meet the December 31, 2021 deadline and requests that the deadline for close of escrow and the term of the Option Agreement be extended for two additional years.

AGREEMENT

Now, therefore, County and Optionee agree to amend the Option Agreement as follows:

1. Optionee shall pay County \$1.00 as consideration for this Sixteenth Amendment. The payment shall be made as specified in paragraph 3B of the Option Agreement.
2. Paragraph 2 of the Option Agreement is amended to read as follows:

“2. Term. The term ("Term") of this Option shall be from the Effective Date through December 31, 2023.”

3. Paragraph 9C(2) of the Option Agreement is amended to read as follows:

“9C (2) Close of Escrow; Closing Date. Escrow shall close either on or before December 31, 2023, or five business days after Optionee's notice to County and escrow company requesting to close escrow, whichever is sooner ("Close of Escrow" or "Closing Date"). The terms "Close of Escrow" and/or "Closing Date" shall mean the date the deeds conveying title to the Easement and title to the Walkway Area are recorded in the Office of the County Recorder of the County of San Diego.”

4. As of the Effective Date, Paragraph 13.10 Counterparts is hereby added to the Option Agreement, to read in its entirety as follows:

“This Sixteenth Amendment may be executed in counterparts, and each counterpart shall constitute one agreement binding on all parties hereto, notwithstanding that all of the parties are not signatory to an original or same counterpart. The parties agree that signatures transmitted electronically via pdf attachment shall be binding as if they were original signatures.”

5. As of the Effective Date, Paragraph 13.11 Electronic Signatures is hereby added to the Option Agreement, to read in its entirety as follows:

“The words “execution,” “signed,” “signature,” and words of like import shall be deemed to include electronic signatures or the keeping of records in electronic form, each of which shall have the same legal effect and enforceability as a manuallyexecuted signature or the use of a paper-based record keeping system, to the extent provided forin the Uniform Electronic Transaction Act (“UETA”) Civil Code Section 1633.1 – 1633.17.”

6. All other terms and conditions of the Option Agreement remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGE TO FOLLOW

SIGNATURES

IN WITNESS WHEREOF, County and Optionee have executed this Sixteenth Amendment effective as of the date first written above.

OPTIONEE

Parking Authority of the City of National City,
a public body of corporate and politic created
pursuant to the Parking Law of 1949

By: _____
Alejandra Sotelo-Solis, Chairwoman

By: _____
Brad Raulston, Secretary

Approved as to form and legality:

By: _____
Charles E. Bell Jr., City Attorney

COUNTY

County of San Diego,
a political subdivision of the State of California

By: _____
Marko Medved, P. E., CEM, Director
Department of General Services

Approved as form and legality:

By: _____
Inna Zazulevskaya,
Senior Deputy County Counsel

RESOLUTION NO. 2021 – 1

RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF NATIONAL CITY, CALIFORNIA APPROVING AND AUTHORIZING THE CHAIRWOMAN TO EXECUTE THE SIXTEENTH AMENDMENT TO THE OPTION TO PURCHASE AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR THE PURCHASE OF AN OPEN-SPACE EASEMENT ON A 15.08 ACRE PARCEL OF LAND AT THE SOUTHWEST CORNER OF SWEETWATER ROAD AND BONITA CENTER ROAD THAT EXTENDS THE TERM OF SAID OPTION AGREEMENT THROUGH DECEMBER 31, 2023, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$1.00 TO THE COUNTY OF SAN DIEGO AS CONSIDERATION FOR THE 16TH AMENDMENT

WHEREAS, on March 20, 2007, the Parking Authority of the City of National City (“Parking Authority”) entered into an Option to Purchase Agreement (“Option Agreement”) with the County of San Diego to purchase an open-space easement attached to the 15.08-acre parcel of land located at the southwest corner of Sweetwater Road and Bonita Center Road (Parcel No. 564-471-11) to develop a commercial project; and

WHEREAS, the Option Agreement has been amended fifteen times since 2007, fourteen amendments extending the Option Agreement for one year and one amendment changing the purchase price; and

WHEREAS, the Sixteenth Amendment to the Option to Purchase Agreement extends the term of the Option Agreement for two years through December 31, 2023 and allows the document to be signed in counterparts or electronically.

NOW, THEREFORE, THE PARKING AUTHORITY OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Authorizes the Chairman to execute the Sixteenth Amendment to the Option to Purchase Agreement by and between the Parking Authority of the City of National City and the County of San Diego to extend the term of the Option Agreement for two years through December 31, 2023.

Section 2. Authorizes the payment in the amount of \$1.00 to the County of San Diego in consideration for the 14th Amendment that extends the term of the Option Agreement through December 31, 2023.

Section 3. The Secretary shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions

///

PASSED and ADOPTED this 16th day of November, 2021.

Alejandra Sotelo-Solis, Chairwoman

ATTEST:

Brad Raulston, Secretary

APPROVED AS TO FORM:

Charles E. Bell Jr., City Attorney