



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, DECEMBER 7, 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](http://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](http://www.nationalcityca.gov).

**PUBLIC COMMENTS:** The Parking Authority will receive public comments via e-mail at [PublicComment@nationalcityca.gov](mailto: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. Resolution of the Parking Authority of the City of National City authorizing the Chairwoman to execute a Ninth Amendment to the Option to Purchase Agreement between the Parking Authority and CarMax Auto Superstores California, LLC, a Virginia limited liability company, extending the permitting period from December 31, 2021 to December 31, 2023. (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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#### **LIVE WEBCAST**

#### **COUNCIL CHAMBERS**

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**1243 NATIONAL CITY BOULEVARD**

**NATIONAL CITY, CALIFORNIA**

**TUESDAY, DECEMBER 7, 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, December 7, 2021, 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. Resolution of the Parking Authority of the City of National City authorizing the Chairwoman to execute a Ninth Amendment to the Option to Purchase Agreement between the Parking Authority and CarMax Auto Superstores California, LLC, a Virginia limited liability company, extending the permitting period from December 31, 2021 to December 31, 2023. (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.

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

**MEETING DATE:** December 7, 2021

**AGENDA ITEM NO. 1**

**ITEM TITLE:**

Resolution of the Parking Authority of the City of National City authorizing the Chairwoman to execute a Ninth Amendment to the Option to Purchase Agreement between the Parking Authority and CarMax Auto Superstores California, LLC, a Virginia limited liability company, extending the permitting period from December 31, 2021 to December 31, 2023.

**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 ("Authority") owns a 15.08-acre parcel located at the southwest corner of Sweetwater Road and Plaza Bonita Center Way ("Property"). The Authority entered into an Option to Purchase Agreement ("Original Agreement") with CarMax Auto Superstores California, LLC, ("CarMax") on August 18, 2015. CarMax intends to use part of the Property to build a CarMax Superstore and provide for on-site mitigation. CarMax is currently working on obtaining permits from the State resource agencies, but it will take most of 2022 to get the approvals. The Ninth Amendment ("Amendment") would extend the permitting period from December 31, 2021 to December 31, 2023 giving CarMax time to obtain all necessary permits and approvals.

**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:**

Adopt the Resolution.

**BOARD / COMMISSION RECOMMENDATION:**

Not Applicable

**ATTACHMENTS:**

- 1: Ninth Amendment to the Option Agreement
- 2: Resolution

NINTH AMENDMENT  
TO  
OPTION AGREEMENT

This NINTH AMENDMENT TO OPTION AGREEMENT (this “**Amendment**”) is entered into as of \_\_\_\_\_, 2021, by and between THE PARKING AUTHORITY OF THE CITY OF NATIONAL CITY, a public body corporate and politic (the “**Authority**”) and CARMAX AUTO SUPERSTORES, INC., a Virginia corporation (the “**Optionee**”).

RECITALS

A. The Authority and Optionee’s predecessor-in-interest are parties to that certain Option Agreement (CarMax, National City, California) dated as of August 18, 2015, as amended by that certain First Amendment to Option Agreement dated as of May 3, 2016, that certain Second Amendment to Option Agreement dated as of August 26, 2016, that certain Third Amendment to Option Agreement dated as of January 26, 2017, that certain Fourth Amendment to Option Agreement dated as of September 5, 2017, that certain Fifth Amendment to Option Agreement dated as of December 6, 2018, that certain Sixth Amendment to Option Agreement dated as of February 19, 2019, that certain Seventh Amendment to Option Agreement dated as of November 19, 2019, and that certain Eighth Amendment to Option Agreement dated as of December 1, 2020 (collectively, the “**Original Agreement**”), relating to certain real property in National City, California (the “**Property**”).

B. Optionee has been in the process of obtaining all necessary Permits, Approvals, and the Tentative Parcel Map for its intended use.

C. The parties desire to amend the Original Agreement as hereinafter provided.

D. Capitalized terms not otherwise defined in this Amendment shall have the meanings set forth in the Original Agreement. The Original Agreement, as modified by this Amendment, shall be referred to herein as the “**Agreement**.”

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Extension of Permitting Period. Section 8(a) of the Original Agreement is hereby amended by deleting the first sentence thereof and inserting the following in lieu thereof: “Optionee shall have until December 31, 2023 to obtain all necessary Permits, Approvals, and the Tentative Parcel Map.”

2. Exhibit “B”. Exhibit “B” of the Original Agreement is hereby deleted and replaced with Exhibit “B” attached hereto.

3. General. Except as expressly amended hereby, the terms and conditions of the Original Agreement and any changes or alterations agreed to in previous Amendments included in Section A above, shall remain unmodified and in full force and effect. This Amendment may be executed in counterparts, all of which evidence only one agreement, binding on all parties, even though they are not signatories to the same counterpart. If any term, covenant or

condition of this Amendment or its application to any person or circumstances shall be held to be invalid or unenforceable, the remainder of this Amendment and the application of such term or provision to other persons or circumstances shall not be affected, and each term hereof shall be valid and enforceable to the fullest extent permitted by law. The terms of this Amendment are binding upon and shall inure to the benefit of the parties and their respective legal representatives, successors and permitted assigns. This Amendment shall be governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

**AUTHORITY:**

PARKING AUTHORITY OF THE CITY  
OF NATIONAL CITY

By: \_\_\_\_\_  
Name:  
Title:

Approved as to Form:

By: \_\_\_\_\_  
Name:  
Legal Counsel for the Parking Authority  
of the City of National City

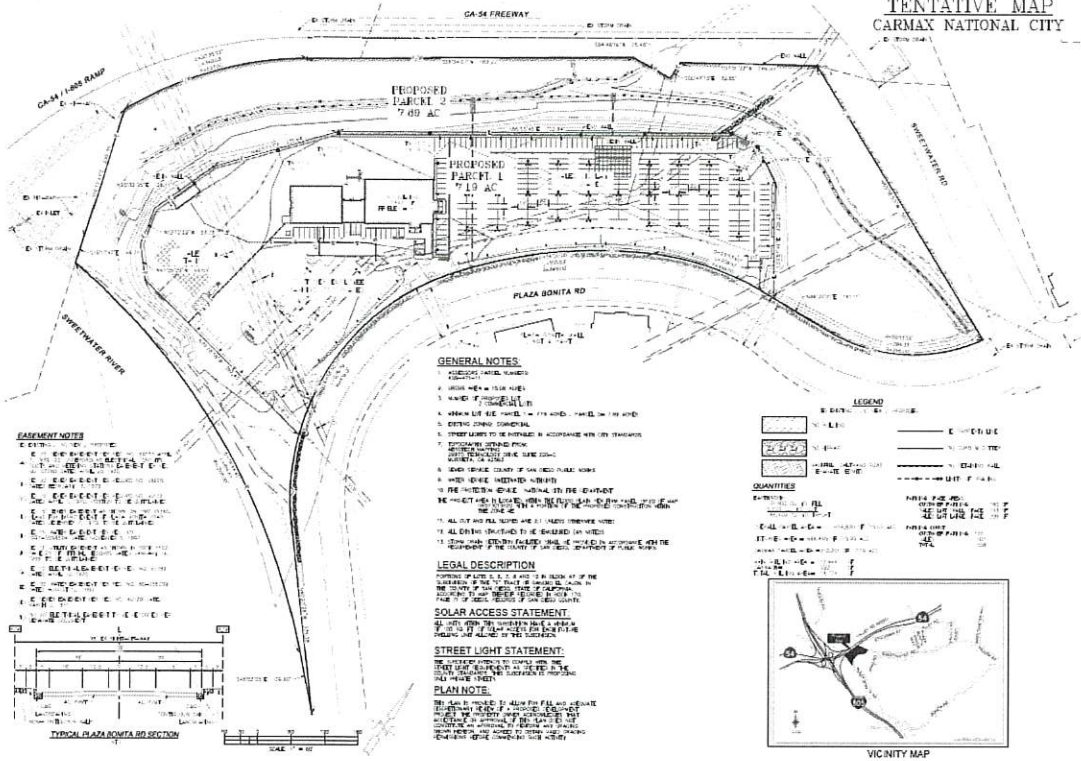
**OPTIONEE:**

CARMAX AUTO SUPERSTORES, INC.,  
a Virginia corporation

By: \_\_\_\_\_  
K. Douglass Moyers, Vice President

# EXHIBIT "B"

## TENTATIVE MAP CARMAX NATIONAL CITY



THE Department of Planning and Land Management  
CITY OF NATIONAL CITY, CALIFORNIA

**CARMAX**  
NATIONAL CITY, CALIFORNIA

DATE: 11/11/2011  
DRAWN BY: [Name]  
CHECKED BY: [Name]

**C9.0**



**RESOLUTION NO. 2021 -**

**RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE CHAIRWOMAN TO EXECUTE A NINTH AMENDMENT TO THE OPTION TO PURCHASE AGREEMENT BETWEEN THE PARKING AUTHORITY AND CARMAX AUTO SUPERSTORES CALIFORNIA, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, EXTENDING THE PERMITTING PERIOD FROM DECEMBER 31, 2021 TO DECEMBER 31, 2023**

**WHEREAS**, the Parking Authority of the City of National City (“Authority”) owns a 15.08-acre parcel located at the southwest corner of Sweetwater Road and Plaza Bonita Center Way (“Property”); and

**WHEREAS**, the Authority entered into an Option to Purchase Agreement (“Original Agreement”) with CarMax Auto Superstores California, LLC, (“CarMax”) on August 18, 2015; and

**WHEREAS**, CarMax intends to use part of the Property to build a CarMax Superstore (“Project”), which also provided for on-site mitigation; and

**WHEREAS**, the total purchase price in the Original Agreement was not to be less than \$3,500,000 for 9.5 acres; and

**WHEREAS**, on May 3, 2016, the Authority adopted Resolution No. 2016-1 entering into a First Amendment to the Option Agreement to extend the Feasibility Period, and

**WHEREAS**, the Second Amendment to the Option Agreement was approved and executed in August 2016, to extend the Feasibility Period; and

**WHEREAS**, on December 6, 2016, the Authority adopted Resolution No. 2016-3 approving the Third Amendment to the Option Agreement amending the total purchase price to \$1,500,000 for 7.7 acres, or \$4.40 per square foot, contingent on a reduction of the sales price for the County of San Diego Open Space Easement, and allowing the size and dimension of the Property to be determined by CarMax based upon the total size needed for the CarMax Project; and

**WHEREAS**, on September 5, 2017, the Authority adopted Resolution No. 2017-2 approving the Fourth Amendment to the Option Agreement, which reduced the sales price to \$1,500,000 for 7.63 acres, giving CarMax until September 14, 2018 to obtain all necessary permits, approvals, and the tentative parcel map, and CarMax would have the right to extend the Permitting Period by up to three (3) successive one (1) month periods, upon prior written notice to the Authority; and

**WHEREAS**, on December 6, 2018, the City Manager executed the Fifth Amendment, as authorized by the Fourth Amendment, to extend the Permitting Period to February 25, 2019; and

**WHEREAS**, on February 19, 2019 the City Manager executed a Sixth Amendment to the Option Agreement to extend the Permitting Period from February 25, 2019 to December 4, 2019 with the close of escrow occurring two (2) weeks after the expiration of the Permitting Period, or December 28, 2019; and

**WHEREAS**, on November 19, 2019 the City Manager executed a Seventh Amendment to extend the Permitting Period from December 4, 2019 to December 31, 2020 with the close of escrow occurring two (2) weeks after the expiration of the Permitting Period, or January 14, 2021; and

**WHEREAS**, the Authority adopted Resolution No. 2020 - 2 approving the Eighth Amendment to the Option Agreement, which amended the total purchase price to \$2,100,000 for 7.19 acres, amended the definition of "Property" to delete entirely the definition of "Residual Parcel" and extended the permitting period from December 31, 2020 until December 31, 2021 giving CarMax time to obtain all necessary permits and approvals; and

**WHEREAS**, the Ninth Amendment will amend the Option to Purchase Agreement between the Parking Authority and CarMax by extending the permitting period from December 31, 2021 to December 31, 2023.

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

**Section 1:** Approves and authorizes the Chairwoman to execute a Ninth Amendment to the Option to Purchase Agreement between the Parking Authority and CarMax Auto Superstores California, LLC, a Virginia limited liability company, by extending the permitting period from December 31, 2021 to December 31, 2023.

**Section 2.** The Secretary shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 7<sup>th</sup> day of December, 2021.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Chairwoman

**ATTEST:**

\_\_\_\_\_  
Brad Raulston, Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., Legal Counsel