

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

November 3, 2009

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, Parra, Sotelo-Solis, Van Deventer, Zarate.

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

Others present: Student Representatives Michael Mendoza and Christina Dickey.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Michael Anderson, representing West Coast Cab, briefed the City Council on issues related to their auto repair facility being red tagged by the City.

Petra Barajas, Chula Vista, spoke about a three million dollar loan from the city to a developer.

Geoffrey Schrock, National City, thanked the city for the nice event at Pier 32 and referred concerns about the property at 1635 Coolidge Avenue and the vacant property at Plaza Blvd., and Palm Avenue.

Gary Woodson, The Palavra Tree Inc., reported on the sales rate for tobacco licensees selling to minors and was interested in finding some way to hold merchants accountable. Member Parra requested that the issue of tobacco sales to minors be placed on the next agenda.

Maria Mesa, National City, spoke in support a law limiting smoking in rental units.

Gabriela Magana, National City, supports a law limiting smoking in rentals.

INTERVIEWS/APPOINTMENTS

BOARDS & COMMISSIONS ADMIN (101-1-1)

1. Interviews and Appointments: Library Board of Trustees and Community and Police Relations Commission. (City Clerk)
Debbie Hernandez and Francisco Quezada were present and were interviewed.

ACTION: Motion by Morrison, seconded by Sotelo-Solis, to appoint Debbie Hernandez and Francisco Quezada to the Library Board of Trustees and Mona Rios and William Sendt to the Community & Police Relations Commissions. Carried by unanimous vote.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 2 (Minutes), Item No. 3 (NCMC), Item Nos. 4 through 10 (Resolution Nos. 2009-264 through 2009-270), Item Nos. 11 and 12 (Warrant Registers), Item No. 13 (Report). Motion by Parra, seconded by Van Deventer, to approve the Consent Calendar. Carried by the following vote, to-wit: Ayes: Morrison, Parra, Van Deventer, Zarate. Nays: None. Absent: Sotelo-Solis. Abstain: None.

APPROVAL OF MINUTES

2. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of October 6, 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)
ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2009-1)

4. Resolution No. 2009-264. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND HARRIS & ASSOCIATES FOR THE NOT-TO-EXCEED AMOUNT OF \$100,000 FOR A ONE YEAR PERIOD TO PROVIDE ON-CALL PROFESSIONAL ENGINEERING, FINANCING, SURVEYING, PROJECT/CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT. (Various Capital Improvement Project funds) (Development Services/Engineering Division)

ACTION: Adopted. See above.

CONTRACT (C2009-90)

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

5. Resolution No. 2009-265. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ASSIGNING A FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION OF \$41,203 FOR THE NATIONAL CITY POLICE DEPARTMENT HOMELESS OUTREACH PROGRAM AND ENFORCEMENT TO SOUTH BAY COMMUNITY SERVICES AS CDBG SUBRECIPIENT, AND AUTHORIZING THE MAYOR TO EXECUTE A CDBG SUBRECIPIENT AGREEMENT ALLOCATING SAID CDBG FUNDS. (Housing and Grants Division/Community Development)

ACTION: Adopted. See above.

CONTRACT (C2009-52)

6. Resolution No. 2009-266. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO AGREEMENT WITH GROSSMAN PSYCHOLOGICAL ASSOCIATES, APC IN THE NOT-TO-EXCEED AMOUNT OF \$51,000 TO EXTEND THE TERM OF THE AGREEMENT FOR ONE ADDITIONAL YEAR TO PROVIDE PRE-PLACEMENT EVALUATIONS, PRE-EMPLOYMENT EXAMS, OFFICER ASSISTANCE PROGRAM, CRITICAL INCIDENT DEBRIEFINGS AND FITNESS FOR DUTY EVALUATIONS FOR THE POLICE DEPARTMENT. (Police)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

GRANT / PUBLIC SAFETY (206-4-27)

7. Resolution No. 2009-267. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING FUNDS IN THE AMOUNT OF \$34,084.35 FOR THE REIMBURSABLE GRANT PURCHASE OF EQUIPMENT FOR THE POLICE FROM THE FY08 STATE HOMELAND SECURITY GRANT PROGRAM AND CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM (COPS/SLESF) 08-09 AND TO SOLE SOURCE TRITECH AS THE VENDOR FOR THE AUTOMATIC VEHICLE LOADING SYSTEM TECHNOLOGY. (Police)

ACTION: Adopted. See above.

CONTRACT (C2009-92)

8. Resolution No. 2009-268. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT IN THE NOT-TO-EXCEED AMOUNT OF \$50,600 WITH SOUTH BAY COMMUNITY SERVICES TO PROVIDE DOMESTIC VIOLENCE RESPONSE SERVICES FOR THE CAL-EMA GRANT-FUNDED CHILDREN EXPOSED TO DOMESTIC VIOLENCE SPECIALIZED RESPONSE PROGRAM. (Police)

ACTION: Adopted. See above.

CONTRACT (C2009-93)

9. Resolution No. 2009-269. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NATIONAL CITY MILE OF CARS ASSOCIATION TO PROVIDE TWO SERVICEABLE, USED, UNMARKED VEHICLES EVERY 60 DAYS FROM VARIOUS PARTICIPATING DEALERS TO BE USED BY THE NATIONAL CITY POLICE INVESTIGATIONS UNIT AT NO COST TO THE CITY. (Police)

ACTION: Adopted. See above.

LABOR RELATIONS POA 2009-2011 (605-3-9)

10. Resolution No. 2009-270. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NATIONAL CITY AND THE NATIONAL CITY POLICE OFFICERS' ASSOCIATION FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2011. (Human Resources)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

WARRANT REGISTER JULY 2009 - JUNE 2010 (202-1-24)

11. Warrant Register #14 for the period of 09/30/09 through 10/06/09 in the amount of \$2,281,805.77. (Finance)
ACTION: Ratified. See above.

WARRANT REGISTER JULY 2009 - JUNE 2010 (202-1-24)

12. Warrant Register #15 for the period of 10/07/09 through 10/13/09 in the amount of \$538,289.47. (Finance)
ACTION: Ratified. See above.

FINANCIAL MANAGEMENT 2009-2010 (204-1-25)

13. Investment Report for quarter ended September 30, 2009. (Finance)
ACTION: Filed. See above.

PUBLIC HEARING

SUBDIVISIONS / VARIANCES 2009 (415-1-5)

14. Public Hearing for a proposed Planned Development, Tentative Subdivision Map, and Negative Declaration for a 72-unit condominium complex located at the southeast corner of East Plaza Boulevard and Palm Avenue. (Applicant: Gary Watts) (Case File 2008-46 S, PD, IS) (Development Services/Planning)

RECOMMENDATION: Planning staff concurs with the decision of the Planning Commission and recommends approval.

City Attorney Eiser advised that a timely appeal of the Planned Development was filed by Thrifty Oil and recommends that the item be continued to the next meeting to allow Thrifty Oil to present their appeal on the merits.

TESTIMONY: Steven McKinley, representing Thrifty Oil Company, spoke against approval of the Planned Development and requested the item be continued.

Juan-Pablo Mariscal, the applicant, spoke in favor of the Planned Development, Tentative Subdivision Map and Negative Declaration. Mike Jariwala, National City, expressed concerns about traffic and noise from the proposed development and reported an on-going noise coming from the gas station property.

PUBLIC HEARING

SUBDIVISIONS / VARIANCES 2009 (415-1-5)

14. Public Hearing (continued).

ACTION: Council Member Parra stated for the record, "I know we have to hold it over. I am only doing it because I respect the opinion of our City Attorney telling me what the right and legal thing to do is, but personally, I would approve it and allow the project to move forward. And Thrifty, I just don't know what to say. I'm very suspect of their issues moving forward at the last minute. That is not to say that I don't want to see a bigger, better mixed use project for that corner. We've envisioned that from day one. That is what's frustrating – we have been reaching out to Thrifty for years to get this done and now when it's moving forward it's an issue".

Motion by Van Deventer, seconded by Sotelo-Solis, to continue to the next meeting to allow consideration of appeal on its merits.

Motion by Sotelo-Solis to amend the motion to continue for 30 days. Amended motion died for lack of a second. Motion carried by unanimous vote.

ORDINANCES FOR ADOPTION

MUNICIPAL CODE 2009 (506-2-24)

HOUSING & COMMUNITY DEV COMM ADMIN (101-12-1)

15. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING SECTIONS 3, 4 AND 5 OF ORDINANCE NO. 1619, SECTION 5 OF ORDINANCE NO. 1829, AND SECTION 5 OF ORDINANCE NO. 91-2012, PERTAINING TO THE COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT. (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

MUNICIPAL CODE 2009 (506-2-24)

HOUSING & COMMUNITY DEV COMM ADMIN (101-12-1)

16. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING CHAPTER 2.28 OF THE NATIONAL CITY MUNICIPAL CODE BY ADDING SECTION 2.28.015 THERETO, PERTAINING TO THE PLANNING COMMISSION FUNCTIONING AS THE COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT. (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Zarate, to adopt the Ordinance. Carried by unanimous vote.

NEW BUSINESS

TEMPORARY USE PERMITS 2009 (203-1-25)

17. Temporary Use Permit – Pancake Breakfast hosted by the Fire Fighters Association 2744 in conjunction with “Christmas in July” (*Spirit of the Holidays*) on November 14, 2009 from 8 am to 12 pm at Fire Station #34 Headquarters located at 343 E. 16th Street. Applicant has requested a waiver of fees. (Neighborhood Services Division)

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 Zarate, to approve staff recommendation. Carried by unanimous vote.

GENERAL PLAN 2009-2013 (405-8-6)

18. General Plan Update - Public Participation Options for Discussion. (Community Development)

ACTION: Filed.

FINANCE DEPT ADMIN (1104-1-13)

19. Request for Qualifications for financial advisory services for the City of National City and the Community Development Commission of the City of National City. (Finance)

RECOMMENDATION: Accept and file.

TESTIMONY: None.

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

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 20 and 21 (Warrant Registers), Item No. 22 (Report). Motion by Van Deventer, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

WARRANT REGISTER JULY 2009 - JUNE 2010 (202-1-24)

20. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$155,318.46 to the City of National City for the period of 10/07/09 through 10/13/09. (Finance)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

WARRANT REGISTER JULY 2009 - JUNE 2010 (202-1-24)

21. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$859,324.30 to the City of National City for the period of 09/30/09 through 10/16/09. (Finance)

ACTION: Approved. See above.

FINANCIAL MANAGEMENT 2009-2010 (204-1-25)

22. Investment Report for quarter ended September 30, 2009. (Finance)

ACTION: Filed. See above.

STAFF REPORTS

MIS DEPT ADMIN (1104-1-14)

23. Technology Update. Copy on file in the Office of the City Clerk. (MIS)

ACTION: Filed.

CLOSED SESSION REPORT (509-1-4)

24. City Council / CDC Attorney George Eiser reported that one additional item was added to the Closed Session Agenda regarding anticipated litigation under Government Code Section 54956.9 and there was nothing further to report from the Closed Session. (See attached Exhibit 'L')

Fire Chief Rod Juniel reported that the 'Tower of Terror' Halloween event held at the Fire Station was a tremendous success with over 3100 attendees. According to the Chief, the success of the event was due to the collaborative efforts of over 55 volunteers from city staff, departments and employee groups.

Community Services Director Brenda Hodges reminded everyone about the Quarterly Neighborhood Council Breakfast on November 14th and the planned food drive by the East Side Neighborhood Council and reported that the Public Safety Fair was a success with over 23 agencies participating.

MAYOR AND CITY COUNCIL

Member Sotelo-Solis congratulated Fire Chief Juniel and everyone involved for a great Halloween event.

Member Zarate and Fire Chief Juniel reported on the new MOU between Heartland Fire and North County Dispatch. Member Zarate also reported on a reward received by the Metropolitan Transit System (MTS) from the American Public Transit Association and provided a copy of a report prepared by MTS on taxi cabs.

MAYOR AND CITY COUNCIL (cont.)

Mayor Morrison reported on the opening of Red Robin, the newest restaurant at Plaza Bonita; the very successful South County Economic Development Corporation elected officials reception hosted by National City and the upcoming League of California Cities dinner to be hosted by National City on April 15th.

ADJOURNMENT


Motion by Van Deventer, seconded by Zarate, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission to be held Tuesday, November 17, 2009 at 6:00 p.m., Council Chambers, National City. Carried by unanimous vote.

The meeting closed at 8:05 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of December 15, 2009.



Mayor / CDC Chairman

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY

**Civic Center
Large Conference Room
1243 National City Boulevard
National City, California**

Tuesday, November 3, 2009 - 5:00 p.m.

ROLL CALL

CLOSED SESSION

1. Conference with Labor Negotiators – Government Code Section 54957.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva,
Jeanette Ladrado, David Pease
Employee Organization: Municipal Employees' Association
2. Conference with Legal Counsel – Existing Litigation – Government Code
Section 54956.9 (a)
Donald Ahles v. City of National City, et al.
San Diego Superior Court Case No. GIS20592

ADJOURNMENT

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