

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

November 17, 2009

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:02 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, Hodges, Juniel, Ladrado, Raulston, Rodriguez, Silva, Smith, Stevenson, Zapata.

Others present: Student Representatives Michael Mendoza and Christina Dickey.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Eddie Perez, San Diego, representing the Old Town National City Reunion Committee, invited the City Council and staff to a portrait dedication for Mr. Manual Portillo to be held Casa Salud on November 18th.

PRESENTATION

PERSONNEL RECOGNITION / APPRECIATION ADMIN (604-2-1)

1. Employee of the Month of November, 2009 - Lilia Munoz, Executive Assistant - Human Resources

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 2 (Minutes), Item Nos. 3 through 7 (Resolution Nos. 2009-271 through 2009-275), Item Nos. 8 and 9 (Warrant Registers), Item No. 10 (Report). Motion by Van Deventer, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

APPROVAL OF MINUTES

2. **SUBJECT:** Approval of the Minutes of the Adjourned Regular City Council/Community Development Commission Meeting of October 13, 2009. (City Clerk)
ACTION: Approved. See above.

CONTRACT (C2009-94)

3. Resolution No. 2009-271. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE EXECUTION OF AGREEMENT IN THE NOT-TO-EXCEED AMOUNT OF \$20,240 WITH SWEETWATER AUTHORITY TO INSTALL WATER FACILITIES IN CONJUNCTION WITH MARINA GATEWAY STREETScape PROJECT. (Funded by Tax Increment Fund) (Development Services/Engineering Division)
ACTION: Adopted. See above.

BUDGET TRANSFERS ADMIN (103-2-4)

4. Resolution No. 2009-272. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE TRANSFER OF THE APPROPRIATION OF \$100,000 OF CITY GENERAL FUND LOCAL GRANT MATCH FROM THE FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) TRAFFIC SAFETY ENHANCEMENTS GRANT PROJECT FOR E. 8TH STREET BETWEEN K AVENUE AND PALM AVENUE TO THE FEDERAL SAFE ROUTES TO SCHOOL TRAFFIC CALMING AND STREETScape ENHANCEMENTS PROJECT FOR COOLIDGE AVENUE. (Development Services/Engineering Division) **Companion Item #5**
ACTION: Adopted. See above.

BUDGET TRANSFERS ADMIN (103-2-4)

5. Resolution No. 2009-273. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROPRIATING \$200,000 OF PROPOSITION A FUNDS FOR TRAFFIC SIGNAL UPGRADES TO THE FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) TRAFFIC SAFETY ENHANCEMENTS GRANT PROJECT FOR E. 8TH STREET BETWEEN K AVENUE AND PALM AVENUE. (Development Services/Engineering Division) **Companion Item #4**
ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

GRANT / COMMUNITY DEVELOPMENT COMMISSION (206-4-25)

CONTRACT (C2009-47)

CONTRACT (C2009-95)

6. Resolution No. 2009-274. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE ASSISTANCE AGREEMENT AND THE REQUIREMENTS OF THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT AWARDED BY THE U.S. DEPARTMENT OF ENERGY IN THE AMOUNT OF \$561,700 TO COVER THE REIMBURSEMENT OF CONTRACT SERVICES TO BE PROVIDED BY HONEYWELL BUILDING SOLUTIONS FOR ENERGY EFFICIENCY AND ENERGY CONSERVATION UPGRADES FOR CITY FACILITIES. (Community Development/ Housing and Grants Division)

ACTION: Adopted. See above.

GRANT / LIBRARY (206-4-10)

7. Resolution No. 2009-275. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING THE ACCEPTANCE OF AN AUGMENTATION OF THE CALIFORNIA LIBRARY LITERACY SERVICES GRANT IN THE AMOUNT OF \$19,889 INCREASING THE TOTAL AMOUNT OF THE GRANT FROM \$40,000 TO \$59,889 TO FUND THE NATIONAL CITY PUBLIC LIBRARY'S LITERACY PROGRAMS FOR FY2009-10. (Library)

ACTION: Adopted. See above.

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

8. Warrant Register #16 for the period of 10/14/09 through 10/20/09 in the amount of \$1,737,538.45. (Finance)

ACTION: Ratified. See above.

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

9. Warrant Register #17 for the period of 10/21/09 through 10/27/09 in the amount of \$758,180.02. (Finance)

ACTION: Ratified. See above.

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

10. National City Sales Tax Update – Second Quarter 2009. (Finance)

ACTION: Filed. See above.

PUBLIC HEARING

NOTE: Member Zarate disclosed that she owns property within 300 feet of the proposed development and for that reason would excuse herself from the Chamber and abstain on Item No. 11.

Member Zarate left the Chamber at 6:12 p.m.

SUBDIVISIONS / VARIANCES 2009 (415-1-5)

11. Continued Public Hearing for, and Appeal of Thrifty Oil Company from Planning Commission Resolution No. 23-2009, pertaining to 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: Palm Plaza Associates, LLC) (Case File 2008-46 S, PD, IS) (Development Services/ Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission to approve the Planned Development, Tentative Subdivision Map and Negative Declaration.

TESTIMONY: Mr. Juan-Pablo Mariscal, the applicant, expressed a willingness to support the request by Thrifty Oil for additional time. Moshe Sassover, representing Thrifty Oil, spoke in support of continuing the hearing.

ACTION: Motion by Sotelo-Solis, seconded by Van Deventer, to continue to the December 15th meeting. Carried by the following vote, to-wit: Ayes: Morrison, Sotelo-Solis, Van Deventer. Nays: Parra. Absent: None. Abstain: Zarate.

EXPARTE DISCLOSURE: Mayor Morrison and Vice Mayor Sotelo-Solis disclosed that they both met with the applicant.

Councilmember Zarate returned to the Chamber at 6:26 p.m.

NON CONSENT RESOLUTION

COUNCIL POLICY MANUAL (102-13-1)

12. Resolution No. 2009-276. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING CITY COUNCIL POLICY #804 IN REGARDS TO CITY SUPPORT FOR SPECIAL EVENTS. (Community Services)

RECOMMENDATION: Approve the Resolution amending City Council Policy #804 in regards to City Support for Special Events.

TESTIMONY: None.

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

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 13 and 14 (Warrant Registers). Item No. 15 (Resolution No. 2009-277). Motion by Van Deventer, seconded by Parra, to approve the Consent Calendar. Carried by unanimous vote.

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

13. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$122,504.43 to the City of National City for the period of 10/14/09 through 10/20/09. (Finance)

ACTION: Approved. See above.

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

14. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$44,997.17 to the City of National City for the period of 10/21/09 through 10/27/09. (Finance)

ACTION: Approved. See above.

CONTRACT (C2009-96)

15. Resolution No. 2009-277. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY APPROVING AN AGREEMENT WITH KOA CORPORATION TO PROVIDE AS-NEEDED CIVIL ENGINEERING SERVICES RELATED TO VARIOUS PROJECTS WITHIN THE NATIONAL CITY REDEVELOPMENT PROJECTS WITH NOT-TO-EXCEED AMOUNT OF \$75,000 AND AUTHORIZING THE CHAIRMAN TO EXECUTE THE AGREEMENT. (Redevelopment)

ACTION: Adopted. See above.

STAFF REPORTS

CLOSED SESSION REPORT (509-1-4)

16. City Council / CDC Senior Assistant Attorney Claudia Silva stated there was nothing to report from the Closed Session. (See attached Exhibit 'L')

Police Chief Adolfo Gonzales announced that the National City Low-Rider Council, National City Police Officers Association, Latino Police Officers Association and Foodland IGA would be conducting their 6th annual Thanksgiving dinner distribution to needy families on Thursday, November 19th and extended an invitation to the Mayor and City Council to participate.

STAFF REPORTS (cont.)

Finance Director Jeanette Ladrido advised the City Council that the mid-year budget review is scheduled for Saturday, January 30th.

MAYOR AND CITY COUNCIL

MAYOR ADMIN / AGENDA ITEMS (102-14-2)

CITY COUNCIL ADMIN (102-16-1)

17. Discussion of forming an Ad-Hoc Committee regarding tobacco use restriction at multi-family residences. (Mayor Morrison and Councilman Parra)

TESTIMONY: Eddie Perez, San Diego, spoke in support of forming a committee.

Alan Pentico, San Diego County Apartment Association, spoke in support of forming a committee.

Ofelia Alvarado, representing the American Lung Association, spoke in support of the committee.

ACTION: Mayor Morrison selected Member Parra to serve with him on an Ad-Hoc Committee which will invite interested parties to meet and discuss issues and possibly come back with some sort of workable recommendations. It was agreed the best time to meet would be on Tuesday. There was no vote.

Member Parra requested that City staff help facilitate contact between the owner and tenants of the Sweetwater Crossing development.

Member Sotelo-Solis thanked staff for putting on two great breakfast events last Saturday and relayed comments she heard that round tables were more conducive to interaction and dialogue.

Member Van Deventer expressed concern about the landscaping along Highland Avenue and the condition of some of the palm trees. Mr. Van Deventer reminded everyone that the Chamber of Commerce would be holding its next couple of meetings at Paradise Village which presents a great opportunity to sample and showcase the facility.

Member Zarate requested staff look into weed problems at the former Park Motel site.

ADJOURNMENT

The meeting was adjourned in memory of Clara Portillo.

Motion by Van Deventer, seconded by Sotelo-Solis, to adjourn the meeting to the next Adjourned Regular Meeting of the City Council and Community Development Commission to be held Tuesday, November 24, 2009 at 5:00 p.m., Council Chambers, National City. Carried by unanimous vote.

The next Regular Meeting of the City Council and Community Development Commission to be held Tuesday, December 1, 2009 at 6:00 p.m., Council Chambers, National City.

The meeting closed at 6:50 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of January 5, 2010.



Mayor / CDC Chairman

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY

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

Special Meeting - Tuesday, November 17, 2009 - 5:00 p.m.

ROLL CALL

CLOSED SESSION

CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION

1. Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9 (a)
Community Youth Athletic Center v. City of National City, Community Development Commission of the City of National City, et al.
San Diego County Superior Court Case No. GIS 37-2007-0007604-CU-EI-SC
2. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (b)
One Potential Case

CITY COUNCIL

3. 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

COMMUNITY DEVELOPMENT COMMISSION

4. Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9 (c)
One Potential Case

ADJOURNMENT

Next Regular City Council/CDC Meeting - Tuesday, November 17, 2009, 6:00 p.m.,
Council Chambers, Civic Center