

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

**December 15, 2009**

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:07 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, Raulston, Smith, Stevenson, Zapata.

Others present: Student Representative Michael Mendoza.

**PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON**

**PUBLIC ORAL COMMUNICATIONS**

Antonia Ramirez, San Diego, complained about churches, public officials and non-profit organizations in San Diego.

Frank Lopez, National City, thanked the City Council for the many activities and services provided to seniors.

Petra Barajas, Chula Vista, spoke about her claim against the City.

**PRESENTATIONS**

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

1. Employee of the Month of December, 2009 – Jessica Cissel, Recreation Supervisor

**COUNCIL MEETING PRESENTATIONS 2009 (102-10-4)**

2. Red Light Camera Enforcement Presentation (City Manager)  
City Manager Chris Zapata made a presentation of the City's Comprehensive Public Safety Program. Mr. Wade Bettisworth from Reflex Traffic Systems explained the importance of red light cameras as a tool for improved public safety and made a PowerPoint presentation on how such a system works. (Copies of both presentations are on file in the Office of the City Clerk)

**PRESENTATIONS (cont.)**

**COUNCIL MEETING PRESENTATIONS**

2. Red Light Camera Enforcement Presentation (continued).  
**ACTION:** The consensus of the Council was to have staff continue working on a red light camera enforcement program for National City. There was no vote.

**CITY COUNCIL**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item No. 3 (Minutes), Item No. 4 (NCMC), Item Nos. 5 through 11 (Resolution Nos. 2009-287 through 2009-293), Item Nos. 12 and 13 (Warrant Registers). Motion by Parra, seconded by Zarate, to pull Item No. 10, and the remainder of the Consent Calendar be approved. Carried by unanimous vote.

**APPROVAL OF MINUTES**

3. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of November 3, 2009. (City Clerk)  
**ACTION:** Approved. See above.

**MUNICIPAL CODE 2009 (506-2-24)**

4. 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.

**PARKING / TRAFFIC CONTROL ADMIN 2009 (801-2-30)**

5. Resolution No. 2009-287. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY ENGINEER TO APPROVE INSTALLATION OF A BLUE CURB HANDICAP PARKING SPACE WITH SIGN ON R AVENUE, ADJACENT TO THE RESIDENCE AT 1808 E. 8<sup>TH</sup> STREET. (TSC Item No. 2009-21) (Development Services/Engineering Division)  
**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**PARKING / TRAFFIC CONTROL ADMIN 2009 (801-2-30)**

6. Resolution No. 2009-288. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY ENGINEER TO APPROVE INSTALLATION OF RED CURB "NO PARKING" AT THE INTERSECTION OF D AVENUE AND E. 27<sup>TH</sup> STREET TO IMPROVE SIGHT DISTANCE (TSC Item No. 2009-23). (Development Services/Engineering Division)

**ACTION:** Adopted. See above.

**DEED (D2009-3)**

7. Resolution No. 2009-289. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A GRANT OF EASEMENT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE NAVY TO PROVIDE THE CITY AN EASEMENT ON NAVAL BASE SAN DIEGO PROPERTY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE FUTURE BAYSHORE BIKEWAY. (Development Services/Engineering Division)

**ACTION:** Adopted. See above.

**PERS ADMIN (202-3-1)**

8. Resolution No. 2009-290. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING TAX DEFERRED MEMBER PAID CONTRIBUTIONS UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS). (Human Resources)

**ACTION:** Adopted. See above.

**CONTRACT (C2002-33)**

9. Resolution No. 2009-291. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO PROVIDE FOR A 3% @ 55 FULL FORMULA BENEFIT FOR LOCAL POLICE MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE POLICE CLASSIFICATION. (Human Resources) \*\*Companion Item #15\*\*

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**CONTRACT (C2008-61)**

10. Resolution No. 2009-292. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A GOVERNMENTAL AFFAIRS CONSULTING AGREEMENT WITH BUSTAMANTE & ASSOCIATES FOR A TERM OF SIX MONTHS AND A MONTHLY FEE OF \$6,000. (City Attorney)

**ACTION:** Motion by Van Deventer, seconded by Zarate, to adopt the Resolution. Carried by unanimous vote. It was requested that City Council receive a monthly written report from the consultant.

**CONTRACT (C2004-10)**

11. Resolution No. 2009-293. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES. (City Manager)

**ACTION:** Adopted. See above.

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

12. Warrant Register #20 for the period of 11/11/09 through 11/17/09 in the amount of \$1,826,618.15. (Finance)

**ACTION:** Ratified. See above.

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

13. Warrant Register #21 for the period of 11/18/09 through 11/24/09 in the amount of \$695,106.41. (Finance)

**ACTION:** Ratified. See above.

**PUBLIC HEARING**

Councilmember Zarate disclosed that she owns property in close proximity to the project to be considered under Agenda Item No. 14, and for that reason she would abstain from participating and leave the chamber in order to avoid any potential conflict of interest.

Member Zarate left the Council Chambers at 6:53 p.m.

**PUBLIC HEARING (cont.)**

**SUBDIVISIONS / VARIANCES 2009 (415-1-5)**

14. 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 Division)

**RECOMMENDATION:** Staff concurred with the decision of the Planning Commission to approve the Tentative Map and Negative Declaration.

**TESTIMONY:** Howard Burns, representing Thrifty Oil, spoke in support of the Planned Development Permit provided there was a minor change accommodating mutual use of the driveway.

Juan Pablo Mariscal, the applicant, spoke in support and was open to consideration of mutual use of the driveway.

**ACTION:** Motion by Parra, seconded by Van Deventer, to close the Public Hearing. Carried by the following vote, to-wit: Ayes: Morrison, Parra, Sotelo-Solis, Van Deventer. Nays: None. Absent: None. Abstain: Zarate.

**ACTION:** Motion by Van Deventer, seconded by Sotelo-Solis, to approve the Planning Commission recommendation. Carried by the following vote, to-wit: Ayes: Morrison, Parra, Sotelo-Solis, Van Deventer. Nays: None. Absent: None. Abstain: Zarate.

Councilmember Zarate returned to the Council Chambers at 7:00 p.m.

**ORDINANCE FOR INTRODUCTION**

**MUNICIPAL CODE 2009 (506-2-24)**

15. INTRODUCTION OF AN ORDINANCE OF THE CITY OF NATIONAL CITY TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, AND THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO PROVIDE FOR A 3% @ 55 FULL FORMULA BENEFIT FOR LOCAL POLICE MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE POLICE CLASSIFICATION. (Human Resources) \*\*Companion Item #9\*\*

## NEW BUSINESS

### MUNICIPAL CODE 2009 (506-2-24)

16. Report on the State Required Model Water Efficient Landscape Ordinance, AB 1881. (Development Services/Planning Division)

**RECOMMENDATION:** Direct staff to prepare a Water Efficient Landscape Ordinance that is tailored to the City's current development patterns and that complies with the state standards.

**TESTIMONY:** None.

**ACTION:** The City Council was advised that staff would be returning in January with a local Ordinance. There was no vote.

### MARTIN LUTHER KING JR. COMMUNITY CENTER (1101-5-1)

17. Request to use the Martin Luther King, Jr. Community Center by *Christmas in July* for their annual food basket distribution day on Saturday, December 19, 2009. (Community Services)

**RECOMMENDATION:** Approve the request.

**TESTIMONY:** None.

**ACTION:** Pulled at request of applicant. No action taken.

### TEMPORARY USE PERMITS 2009 (203-1-25)

18. Temporary Use Permit – Valencia Stone & Tile Sale's Inflatable Blue Gorilla at 1124 Coolidge Ave. from December 16, 2009 to January 31, 2010 with no waiver of fees. (Neighborhood Services Division)

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

**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)

19. Temporary Use Permit – Cornerstone Church of San Diego banners advertising services and special events at 1920 Sweetwater Road from December 16, 2009 to December 19, 2010, with no waiver of fees. (Neighborhood Services Division)

**RECOMMENDATION:** Based on some safety issues and current concerns raised by City Building Official, staff recommends **DENIAL** of application for a Temporary Use Permit. Staff recommends that the applicant contact the Building Official to make arrangements for signage permit processing. The banners have already been in place and can't be displayed in lieu of a permanent sign per NCMC 18.62.100 (C) 2.

**TESTIMONY:** An un-named speaker representing Cornerstone Church, spoke in support of a TUP.

**NEW BUSINESS (cont.)**

**TEMPORARY USE PERMITS 2009 (203-1-25)**

19. Temporary Use Permit – Cornerstone Church banners (continued).

**ACTION:** Motion by Van Deventer in favor of staff recommendation. Motion died for lack of a second.

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. 20 and 21 (Warrant Registers), Item Nos. 22 and 23 (Resolution No. 2009-294 and 2009-295). Motion by Parra, 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 \$134,790.66 to the City of National City for the period of 11/11/09 through 11/17/09. (Finance)

**ACTION:** Approved. See above.

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

21. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$144,113.05 to the City of National City for the period of 11/18/09 through 11/24/09. (Finance)

**ACTION:** Approved. See above.

**CONTRACT (C2009-97)**

22. Resolution No. 2009-294. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) RATIFYING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A LOAN AGREEMENT FOR A LOAN IN THE AMOUNT OF \$32,694 WITH THE CENTER FOR CREATIVE LAND RECYCLING TO OBTAIN FUNDING TO CONDUCT A SITE ASSESSMENT AND CHARACTERIZATION OF HAZARDOUS MATERIALS ON THE PROPERTY LOCATED AT 2300 CLEVELAND AVENUE. (Redevelopment)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**CONTRACT (C2006-37)**

23. Resolution No. 2009-295. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) AUTHORIZING THE CHAIRMAN TO EXECUTE A ONE-YEAR AGREEMENT IN THE AMOUNT OF \$7,500 PER MONTH BETWEEN THE CDC AND HUSK PARTNERS, INC. TO PROVIDE GOVERNMENTAL AFFAIRS, POLITICAL STRATEGIES, ECONOMIC DEVELOPMENT, PUBLIC AND MEDIA RELATIONS, PLANNING AND MARKETING, AND LEGISLATIVE ADVOCACY CONSULTING SERVICES. (City Attorney)

**ACTION:** Adopted. See above.

**STAFF REPORTS**

**POLICE DEPT ADMIN (302-4-1)**

24. Low-rider Holiday Partnership. (Police)  
Police Chief Gonzales reported that the 6<sup>th</sup> Annual Holiday Giveaway, in partnership with the Latino Police Officers Association, National City Police Officers Association, Foodland, the Low Rider Community and Police Explorers, is scheduled for December 17<sup>th</sup>.

**HOUSING & GRANTS DEPT ADMIN (1104-1-9)**

25. CDBG and Consolidated Plan Update. (Housing & Grants)  
Alfredo Ybarra, Housing & Grants Manager, distributed and discussed a Time Line for the FY 2011-2015 Consolidated Plan and FY 2010 – 2011 Action Plan. Copy on file in the Office of the City Clerk.

**CLOSED SESSION REPORT (509-1-4)**

26. City Council / CDC Attorney George Eiser reported that the City Council, acting as the Council and as the Board of the CDC, authorized the initiation of litigation in two separate matters. The identities of the action and the parties will be disclosed after litigation is commenced, upon request, unless such disclosure would interfere with the service of process or the ability to conclude existing settlement negotiations. (See attached Exhibit 'L')



### **STAFF REPORTS (cont.)**

Minh Duong, City Librarian, announced that the National City Public Library was recognized in an article in the *Library Journal* as one of America's Star Libraries; a distinction granted to only 258 out of 7268 libraries nationwide and 15 libraries in the State of California.

City Manager Chris Zapata publicly announced that Fire Chief Rod Juniel will be leaving the city after five years of distinguished service and that a nationwide recruitment effort will be commenced to find a suitable replacement.

### **MAYOR AND CITY COUNCIL**

Student Commissioner Michael Mendoza expressed support for red light cameras and suggested that 30<sup>th</sup> and Highland be considered a prime location.

Member Parra extended holiday wishes to everyone.

Member Sotelo-Solis extended holiday wishes and emphasized how important it is for everyone to be counted during the upcoming census. Member Sotelo-Solis requested staff assistance in having Census posters posted.

Member Zarate wished everyone a Merry Christmas; requested that the timing for the signal at 8<sup>th</sup> & Palm be checked and expressed sadness at losing Fire Chief Juniel.

Mayor Morrison said that 2009 has been a relatively good one for the City when compared to so many others and extended Christmas and holiday greetings to everyone.


### **ADJOURNMENT**

Motion by Van Deventer, 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, January 5, 2010 at 6:00 p.m., Council Chambers, National City. Carried by unanimous vote.

The meeting closed at 7:44 p.m.

  
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City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of February 16, 2010.

  
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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**

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

**Special Meeting - Tuesday, December 15, 2009 - 5:00 p.m.**

**ROLL CALL**

**CLOSED SESSION**

**COMMUNITY DEVELOPMENT COMMISSION**

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

**CITY COUNCIL**

2. Conference with Labor Negotiators – Government Code Section 54957.6  
Agency Designated Representatives: Stacey Stevenson, Jeanette Ladrado, David Pease, Claudia Silva  
Employee Organization: Municipal Employees' Association
3. Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation Pursuant to Government Code Section 54956.9(c)  
Two Potential Cases
4. Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)  
One Potential Case

**ADJOURNMENT**

Next Regular City Council/CDC Meeting - Tuesday, December 15, 2009, 6:00 p.m.,  
Council Chambers, Civic Center