

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

April 20, 2010

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, Sotelo-Solis, Van Deventer, Zarate.

Administrative Officials present: Babaki, Dalla, Deese, Duong, Eiser, Gonzales, Hodges, Ladrido, Parra, Raulston, Smith, Stevenson, Williams, Zapata.

Others present: Student Representatives Michael Mendoza and Christina Dickey.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Bill Goulet, National City, representing the National City Rotary Club, explained a new Rotary project to display American flags throughout the city and requested the name of the appropriate contact person to work out details. Mr. Goulet was advised that he would be contacted by staff.

PROCLAMATION

PROCLAMATION ADMIN (102-2-1)

1. Proclaiming April 24, 2010 as: **“CHILDREN’S DAY”**

PRESENTATIONS

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

2. Employee of the Month of March 2010 – Victor Uribe, Park Supervisor (Public Works). This presentation was rescheduled from the meeting of March 16, 2010.

ACTION: This item was deferred to the next meeting.

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

3. Employee of the Month of April 2010 – Rosie Machado, Executive Assistant (Police Dept.)

ACTION: This item was deferred to the next meeting.

PRESENTATIONS (cont.)

COUNCIL MEETING PRESENTATIONS 2010 (102-10-5)

4. National City Fire Department Cost Recovery Program. (Fire)
TESTIMONY: Mike Rivera, representing Fire Recovery USA, gave a brief presentation outlining a cost recovery program for National City Fire Department emergency services. Mr. Rivera emphasized that the program was intended to recover only actual costs and would not apply to National City residents.
ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to refer to staff to come back with an agreement. Carried by unanimous vote.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 5 (Minutes), Item No. 6 (NCCMC), Item Nos. 7 through 10 (Resolution Nos. 2010-81 through 2010-84), Item Nos. 11 and 12 (Warrant Registers). Motion by Van Deventer, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

APPROVAL OF MINUTES

5. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of March 2, 2010. (City Clerk)
ACTION: Approved. See above.

MUNICIPAL CODE 2010 (506-2-25)

6. 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.)

GRANT / PUBLIC SAFETY (206-4-27)

7. Resolution No. 2010-81. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ACCEPTANCE OF GRANT AWARD AND FUNDS OF UP TO \$286,818. GRANT REIMBURSES \$262,718 FOR TWO YEARS SALARY AND BENEFITS, UP TO \$18,600 FOR THE PURCHASE OF A VEHICLE, AND \$5,500 FOR VEHICLE MAINTENANCE FOR TWO YEARS FROM THE SAN DIEGO REGIONAL BORDER VIOLENCE TASK FORCE. AN ADDITIONAL AMOUNT OF UP TO \$16,903 PER YEAR FOR OVERTIME FOR THE OFFICER WILL BE REIMBURSED BY THE FBI VIOLENT CRIMES TASK FORCE-GANG GROUP. (Police)

ACTION: Adopted. See above.

GRANT / COMMUNITY DEVELOPMENT (206-4-25)

8. Resolution No. 2010-82. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) NOT TO EXCEED \$1,654,524 FOR THE PURPOSE OF IMPLEMENTING THE WESTSIDE SPECIFIC PLAN THROUGH PARADISE CREEK PARK IMPROVEMENTS AND HABITAT RESTORATION. (Community Development / Housing and Grants Division)

ACTION: Adopted. See above.

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

9. Resolution No. 2010-83. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING ADDITIONAL APPROPRIATIONS IN THE UNEMPLOYMENT INSURANCE RESERVE FUND IN THE AMOUNT OF \$45,000. (Human Resources)

ACTION: Adopted. See above.

CONTRACT (C2010-18)

10. Resolution No. 2010-84. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NATIONAL CITY DEPOT (AKA SAN DIEGO ELECTRIC RAILWAY ASSOCIATION, INC.) FOR THE DONATION OF SCRAP RAILROAD TRACK AND TIES. (Development Services/Engineering)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

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

11. Warrant Register #38 for the period of 03/17/10 through 03/23/10 in the amount of \$1,745,566.67. (Finance)
ACTION: Ratified. See above.

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

12. Warrant Register #39 for the period of 03/24/10 through 03/30/10 in the amount of \$191,170.03. (Finance)
ACTION: Ratified. See above.

PUBLIC HEARING

MUNICIPAL CODE 2010 (506-2-25)

13. Public Hearing to consider adoption of an Interim Ordinance of the City Council of the City of National City pursuant to Government Code Section 65858 as an urgency measure to take effect immediately, extending for 10 months and 15 days a moratorium prohibiting the issuance of massage technician permits and prohibiting new massage establishments from locating within the City of National City. (City Attorney) **Companion Item #14**

RECOMMENDATION: Conduct the Public Hearing.

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to close the Public Hearing. Carried by unanimous vote.

URGENCY ORDINANCE FOR ADOPTION

MUNICIPAL CODE 2010 (506-2-25)

14. AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858 AS AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY, EXTENDING FOR 10 MONTHS AND 15 DAYS A MORATORIUM PROHIBITING THE ISSUANCE OF MASSAGE TECHNICIAN PERMITS AND PROHIBITING NEW MASSAGE ESTABLISHMENTS FROM LOCATING WITHIN THE CITY OF NATIONAL CITY. (City Attorney) **Companion Item #13**

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

ORDINANCES FOR ADOPTION

MUNICIPAL CODE 2010 (506-2-25)

15. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 7 OF THE NATIONAL CITY MUNICIPAL CODE BY ADDING CHAPTER 7.34 PERTAINING TO SHOPPING CART CONTAINMENT. (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: A letter from the National City Chamber of Commerce requesting that consideration of the Ordinance be continued was entered into record by reference. (Copy on file in the Office of the City Clerk)

ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to be continued for 60 days. Carried by unanimous vote.

MUNICIPAL CODE 2010 (506-2-25)

16. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 7 OF THE NATIONAL CITY MUNICIPAL CODE BY ADDING CHAPTER 7.35 PERTAINING TO ACCEPTING RECYCLABLE ITEMS FROM SHOPPING CARTS. (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

MUNICIPAL CODE 2010 (506-2-25)

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 9 OF THE NATIONAL CITY MUNICIPAL CODE BY ADDING CHAPTER 9.37 PERTAINING TO THE SALE OR DISTRIBUTION OF *SALVIA DIVINORUM* OR *ALVINORIN A* TO PEOPLE OVER THE AGE OF 18 YEARS OF AGE. (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

MUNICIPAL CODE 2010 (506-2-25)

18. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 10 OF THE NATIONAL CITY MUNICIPAL CODE BY ADDING CHAPTER 10.15 PERTAINING TO AGGRESSIVE SOLICITATION. (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

NEW BUSINESS

CITY COUNCIL VACANCY (102-15-2)

19. City Council Vacancy. (City Attorney)

RECOMMENDATION: None.

TESTIMONY: City Attorney George Eiser explained that due to the April 6th resignation of Councilmember Frank Parra, the City Council has two possible courses of action under the law to address the vacancy. The Council can make an appointment within 30 days of the resignation or call a special election. Due to other constraints in the law regarding Special Elections, Mr. Eiser advised that an election is not a viable option. Mr. Eiser further advised that if no appointment is made within the 30 day time period, the vacancy must remain unfilled until the next Municipal Election on November 2, 2010.

ACTION: Motion by Sotelo-Solis, that we make an appointment. Motion died for lack of a second. No action was taken.

LABOR RELATIONS MEA MOU 2007-2009 (605-4-10)

20. City Council determination regarding timetable for impasse resolution by mediation. (City Attorney)

RECOMMENDATION: By minute action, establish timetable for impasse resolution by mediation with the Municipal Employees Association (MEA).

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Zarate, to set May 17th, 2010 as date. Carried by unanimous vote.

COUNCIL WORKSHOP NOTICES / ADMIN (102-6-1)

21. Community Budget Workshop (s). (City Manager)

RECOMMENDATION: None.

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to dispense with June 15th, 2010 Regular Meeting to be replaced by a Meeting on June 22nd, 2010 for final budget adoption. Carried by unanimous vote.

There was discussion and consensus to hold a Community Budget Meeting on May 11th, 2010, a follow-up budget discussion on May 18th, and a budget workshop on May 25th. There was no vote.

NEW BUSINESS (cont.)

HISTORICAL SITES LIST ADMIN (405-10-1)

22. Proposal to update the 1996 Historic Resources Survey as part of the comprehensive General Plan Update. (Community Development)

RECOMMENDATION: Direct staff to proceed or not to proceed with preparation of an amendment to the agreement with Project Design Consultants to conduct an update to the 1996 Historic Resources Survey for City Council consideration.

TESTIMONY: None.

ACTION: There was consensus to bring the item back in a reasonable timeframe when additional information is available. There was no vote.

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

23. Request to use the Martin Luther King, Jr. Community Center by Mana San Diego for their annual "Dia De La Mujer Latina Health Festival" on Saturday, May 1, 2010. No waiver of fees. (Community Services)

RECOMMENDATION: Approve the request for use with no waiver of fees.

TESTIMONY: None.

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

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

24. Request to use the Martin Luther King, Jr. Community Center by Sweetwater High School for their awards ceremony on Tuesday, May 25, 2010. No waiver of fees. (Community Services)

RECOMMENDATION: Approve the request for use.

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. 25 and 26 (Warrant Registers). Motion by Van Deventer, seconded by Sotelo-Solis, to approve the Consent Calendar. Carried by unanimous vote.

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

25. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$155,188.36 to the City of National City for the period of 03/17/10 through 03/23/10. (Finance)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

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

26. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$52,482.60 to the City of National City for the period of 03/24/10 through 03/30/10. (Finance)

ACTION: Approve. See above.

STAFF REPORTS

CLOSED SESSION REPORT (509-1-4)

27. City Council / CDC Attorney George Eiser gave the following report regarding the 5:00 p.m. Closed Session:

The City Council authorized the initiation of litigation in seven matters. The identity of the actions and the defendants will not be disclosed at this time, but once litigation has been formally commenced, will be disclosed to any person upon inquiry, unless to do so would jeopardize the ability to effectuate service of process on one or more unserved parties, or would jeopardize the ability to conclude existing settlement negotiations. (See attached Exhibit 'L')

MAYOR AND CITY COUNCIL

Member Sotelo-Solis extended an invitation for everyone to attend a Day of Cancer Awareness at UCSD on May 8, 2010 from 8 a.m. to 4:30 p.m.

Member Zarate shared information and documents from the SANDAG Public Safety Committee meeting.

Mayor Morrison highlighted the League of California Cities, San Diego Division dinner event hosted by National City on April 15, 2010 at the National City marina.

ADJOURNMENT

The meeting was adjourned in memory of Ruth Moynahan and Maria Mendez.


Motion by Sotelo-Solis, seconded by Van Deventer, to adjourn the meeting to the next Regular City Council and Community Development Commission to be held Tuesday, May 4, 2010 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 7:21 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of May 18, 2010.



Mayor / CDC Chairman

EXHIBIT 'L'



**AGENDA OF A SPECIAL MEETING
CITY COUNCIL OF THE CITY OF NATIONAL CITY**

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

Special Meeting - Tuesday, April 20, 2010 - 5:00 p.m.

ROLL CALL

CLOSED SESSION

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

ADJOURNMENT

Next Regular City Council/CDC Meeting – Tuesday, April 20, 2010 – 6:00 p.m. –
Council Chambers, Civic Center