

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

July 20, 2010

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:08 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, Gonzales, Hodges, Ladrido, Raulston, Rodriguez, Silva, Smith, Stevenson, Williams, Zapata.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

Mayor Morrison announced that the City Council took action in Closed Session to appoint Acting City Attorney Claudia Silva the new City Attorney for National City.

PUBLIC ORAL COMMUNICATIONS

James George: South Bay Youth Football, expressed concerns about the start date for construction at El Toyon which may conflict with League play.

PROCLAMATION

PROCLAMATION ADMIN (102-2-1)

1. Proclaiming the Summer of 2010, as: **"THE SEASON OF SERVICE"**

PRESENTATIONS

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

2. Employee of the Month of July 2010 – Corporal Dan Nagle, Police Department

ACTION: This item was continued.

PRESENTATIONS (cont.)

COUNCIL MEETING PRESENTATIONS 2010 (102-10-5)

3. Presentation and Report – The Boys and Girls Club of Greater San Diego, National City Branch
TESTIMONY: Dennis Sherlock, Boys & Girls Club representative, gave a brief PowerPoint presentation. (Copy on file in the Office of the City Clerk)

COUNCIL MEETING PRESENTATIONS 2010 (102-10-5)

4. Presentation – US Census
TESTIMONY: Lina LaFave, representing the US Census presented an award thanking the City for their support and cooperation with the 2010 Census effort.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 5 (Minutes), Item No. 6 (NCCMC), Item Nos. 7 through 11 (Resolution Nos. 2010-160 through 2010-164), Item Nos. 12 and 13 (Warrant Registers). Motion by Van Deventer, seconded by Sotelo-Solis, to approve the Consent Calendar. Carried by unanimous vote.

APPROVAL OF MINUTES

5. **SUBJECT:** Approval of the Minutes of the Adjourned Regular City Council/Community Development Commission Meeting of June 22, 2010 and the Regular City Council/Community Development Commission Meeting of July 6, 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.)

CONTRACT (C2009-80)

7. Resolution No. 2010-160. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN AMENDMENT INCREASING THE NOT-TO-EXCEED AMOUNT FROM \$200,000 TO \$240,000 FOR THE ON-CALL AGREEMENT BETWEEN THE CITY AND WADE & ASSOCIATES TO PROVIDE CONSTRUCTION INSPECTIONS AND PROJECT MANAGEMENT SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS. (Funded by CIP Projects) (Development Services/Engineering)

ACTION: Adopted. See above.

CONTRACT (C2010-38)

8. Resolution No. 2010-161. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RBF CONSULTING FOR A NOT TO EXCEED AMOUNT OF \$146,863 TO PROVIDE CIVIL ENGINEERING SERVICES FOR CONSTRUCTION OF TRAFFIC SAFETY ENHANCEMENTS ON EAST 8TH STREET FROM J AVENUE TO PALM AVENUE, FACILITATED BY A \$900,000 FEDERAL HSIP GRANT. (Funded by Prop. A and City General Fund – Grant Matches) (Development Services /Engineering)

ACTION: Adopted. See above.

PROPERTY TAX RATE BONDED INDEBTEDNESS ADMIN (205-2-2)

9. Resolution No. 2010-162. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING THE LIBRARY GENERAL OBLIGATION BOND TAX RATE FOR FISCAL YEAR 2010-2011 AT 1.42 CENTS PER \$100 OF ASSESSED VALUATION. (Finance)

ACTION: Adopted. See above.

INSURANCE ADMIN (201-1-1)

10. Resolution No. 2010-163. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY DELEGATING AUTHORITY TO THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF NATIONAL CITY IN MATTERS RELATING TO CSAC EXCESS INSURANCE AUTHORITY (EIA). (City Manager)

ACTION: Adopted. See above.

LABOR RELATIONS CITY ATTORNEY (605-11-1)

11. Resolution No. 2010-164. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE COMPENSATION OF THE CITY ATTORNEY. (City Attorney)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

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

12. Warrant Register #50 for the period of 06/09/10 through 06/15/10 in the amount of \$1,533,823.45. (Finance)
ACTION: Ratified. See above.

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

13. Warrant Register #51 for the period of 06/16/10 through 06/22/10 in the amount of \$713,255.19. (Finance)
ACTION: Ratified. See above.

PUBLIC HEARING

SEWER CAPACITY / FEES ADMIN (906-1-4)

14. Public Hearing to consider the report required by California Health & Safety Code Section 5473, Et Seq pertaining to collection of sewer charges on the tax roll, directing the City Clerk to file said report with the San Diego County Auditor, and directing the Finance Director to certify with the San Diego County Auditor the "Sewer Service Charge Fund." Sewer service fees will not increase for FY 2010-2011. (Public Works)
Companion Item # 19

RECOMMENDATION: Hold the Public Hearing.

TESTIMONY: None.

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

ORDINANCES FOR INTRODUCTION

MUNICIPAL CODE 2010 (506-2-25)

15. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 18 OF THE MUNICIPAL CODE BY AMENDING CHAPTERS 18.10 (ZONES AND ZONING MAP), TITLE 18.14 (RESIDENTIAL ZONES), 18.16 (COMMERCIAL ZONES), 18.50 (FENCES, WALLS, AND HEDGES), 18.58 (OFF-STREET PARKING AND LOADING), 18.62 (SIGNS, AND OUTDOOR ADVERTISING DISPLAYS), 18.88 (MOBILE HOMES), 18.104 (USE GROUPS), 18.108 (NONCONFORMING USES), AND 18.140 (MIXED USES) TO PROVIDE STANDARDS FOR THE WESTSIDE SPECIFIC PLAN AREA. (Applicant: City of National City) (Case File No. 2007-34 GPA, ZC, SPA, EIR) (Development Services /Planning)

ORDINANCES FOR INTRODUCTION (cont.)

MUNICIPAL CODE 2010 (506-2-25)

16. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING 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 2% @ 60 FULL FORMULA BENEFIT FOR MISCELLANEOUS MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE MUNICIPAL EMPLOYEES' ASSOCIATION AND CONFIDENTIAL SUBGROUPS. (Human Resources) **Companion Item #17**

NON CONSENT RESOLUTIONS

CONTRACT (C2002-33)

17. Resolution No. 2010-165. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY COUNCIL APPROVING 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 2% @ 60 FULL FORMULA BENEFIT FOR MISCELLANEOUS MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE MUNICIPAL EMPLOYEES' ASSOCIATION AND CONFIDENTIAL SUBGROUPS. (Human Resources) **Companion Item #16**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

LABOR RELATIONS PERSONNEL (605-1-1)

18. Resolution No. 2010-166. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING ADDITIONAL FUNDS OF UP TO \$500,000 FROM GENERAL FUND CONTINGENCY RESERVES TO FUND THE CITY'S EMPLOYEE VOLUNTARY SEPARATION PROGRAM. (Human Resources)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Zarate, to adopt the Resolution with a 30-day extension of the deadline. Carried by unanimous vote.

NON CONSENT RESOLUTIONS (cont.)

SEWER CAPACITY / FEES ADMIN (906-1-4)

19. Resolution No. 2010-167. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE REPORT REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE SECTION 5473, ET SEQ PERTAINING TO COLLECTION OF SEWER CHARGES ON THE TAX ROLL, DIRECTING THE CITY CLERK TO FILE SAID REPORT WITH THE SAN DIEGO AUDITOR, AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY WITH THE SAN DIEGO COUNTY AUDITOR THE "SEWER SERVICE CHARGE FUND." SEWER SERVICE FEES WILL NOT INCREASE FOR FY 2010-2011. (Public Works) **Companion Item #14**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

COMMUNITY DEVELOPMENT ADMIN 2007-2010 (406-2-12)

20. Resolution No. 2010-168. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE SAN DIEGO ENTERPRISE ZONE (SDREZ) BOUNDARY MODIFICATION AND EXPANSION. (Community Development)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

NEW BUSINESS

LEAGUE OF CA CITIES ADMIN (104-2-1)

21. Designation of Voting Delegate and Alternate(s) for League of California Cities Annual Conference. (City Manager)

RECOMMENDATION: The City Council designate Mayor Morrison as National City's voting delegate and one or two Councilmembers as alternates.

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to designate the Mayor Morrison as the delegate and Members Van Deventer and Sotelo-Solis as alternates. Carried by unanimous vote.

NEW BUSINESS (cont.)

CONTRACT (C89-12)

22. Proposed termination of the Towing Agreement between the City of National City and JC Towing, Inc. (City Attorney)

RECOMMENDATION: Terminate the Towing Agreement with JC Towing.

TESTIMONY: City Attorney Silva read letter from JC Towing requesting termination of their agreement without prejudice.

ACTION: Motion by Van Deventer, seconded by Zarate, to accept letter and allow termination of the agreement. Carried by unanimous vote.

TEMPORARY USE PERMITS 2010 (203-1-26)

23. Temporary Use Permit – National City Automobile Heritage Show on August 1, 2010 at Kimball Park from 8 a.m. to 4 p.m. sponsored by the National City Chamber of Commerce. This is a National City co-sponsored event eligible for a \$1,500 fee waiver. (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 Sotelo-Solis, seconded by Van Deventer, to approve staff recommendation. Carried by unanimous vote.

TEMPORARY USE PERMITS 2010 (203-1-26)

24. Temporary Use Permit – Health & Wellness Fair hosted by Paradise Valley Hospital and the National City Times on October 30, 2010 from 9 a.m. to 4 p.m. at the Paradise Valley Hospital employee parking grounds 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 with no waiver of fees.

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to approve without waiver. Carried by unanimous vote.

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 25 and 26 (Warrant Registers), Item No. 27 (Resolution No. 2010-169). Motion by Van Deventer, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

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

25. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$97,686.41 to the City of National City for the period of 06/09/10 through 06/15/10. (Finance)

ACTION: Approved. See above.

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

26. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$122,390.32 to the City of National City for the period of 06/16/10 through 06/22/10. (Finance)

ACTION: Approved. See above.

CONTRACT (C2010-39)

27. Resolution No. 2010-169. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) APPROVING A THIRD AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CDC AND SOUTHWESTERN COMMUNITY COLLEGE DISTRICT TO REVISE THE SCHEDULE OF PERFORMANCE AND REQUIRE SOUTHWESTERN COMMUNITY COLLEGE DISTRICT TO INVEST IN A FAÇADE IMPROVEMENT TO THE PARKING STRUCTURE ON 8TH STREET AND ROOSEVELT AVENUE FOR AN AMOUNT NOT TO EXCEED \$50,000. (Redevelopment)

ACTION: Adopted. See above. Chairman Morrison said he hoped the college would work with the City to on the façade finish and the art piece.

NON CONSENT RESOLUTION

CONTRACT (C2010-40)

28. Resolution No. 2010-170. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY (CDC) APPROVING A \$675,000 LOAN AGREEMENT BY AND BETWEEN CDC AND MILE OF CARS ASSOCIATION FOR REHABILITATION OF MILE OF CARS FREEWAY SIGNAGE (LOAN TERM 20 YEARS AT 2% INTEREST). (Tax Increment Fund) (Redevelopment Division)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: Wildon Donaldson, Mile of Car Association, spoke in support.

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

STAFF REPORTS

CLOSED SESSION REPORT (509-1-4)

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

City Engineer Maryam Babaki updated the Council on various issues that have been raised during previous meetings. According to Ms. Babaki, the residential complex at Plaza Blvd., and L Avenue is in the process of being converted to an assisted living facility; the monitoring wells at 8th & Palm are being monitored by the Regional Water Quality Control Board and will continue to be for some time; and the barricade at Stockman Street will remain in place based on community support and is not a safety concern for the Fire Department.

City Clerk Michael Dalla reported on the November 2, 2010 Municipal Election.

MAYOR AND CITY COUNCIL

Member Sotelo-Solis welcomed new City Attorney Claudia Silva; suggested that the main color lines for new soccer field be for soccer; requested staff look for a possible location for a display honoring residents serving in military and reminded everyone about the July 31st West Side Clean-Up.

Mayor Morrison commented on recent publicity regarding the City and Port District.

ADJOURNMENT

Motion by Van Deventer, seconded by Zarate, to adjourn the meeting to the next Regular City Council and Community Development Commission Meeting to be held Tuesday, August 3, 2010 at 5:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 7:44 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of October 5, 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, July 20, 2010 – 5:00 p.m.

ROLL CALL

CLOSED SESSION

1. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (b)
2. Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9 (a)
People of the State of California, Ex Rel. George H. Eiser, III v. Ben Adler, et al.
San Diego County Superior Court Case No. 37-2010-00092488-CU-MC-CTL
3. Public Employment – Government Code Section 54957
Title: Acting City Attorney

ADJOURNMENT

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