

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

August 17, 2010

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:14 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, Gonzales, Hodges, Ladrido, Raulston, Silva, Smith, Stevenson, Williams, Zapata.

Others present: Student Representatives Fred Wells and Samantha Galicia.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Alfonso Hernandez, National City, said a recent newspaper article about water board members makes it clear that it is time to look at National City voters electing our representatives to the Sweetwater Authority Board.

PRESENTATIONS

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

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

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

2. Employee of the Month of August 2010 – Josie Flores-Clark, Executive Assistant – Mayor's Office

TESTIMONY: Charlene Zettel, Office of the Governor; Jonathan Hardy, Senator Denise Ducheny's Office; Jesse Navarro, San Diego County District Attorney's Office and Porky Baca, National City, spoke in support of Josie Flores-Clark.

PRESENTATIONS (cont.)

COUNCIL MEETING PRESENTATIONS 2010 (102-10-5)

3. Port Update – Chairman Robert “Dukie” Valderrama, Port of San Diego.

City Manager Chris Zapata framed the presentations to be made by Port Commissioner Valderrama and Consultants Husk and Bustamante (Item No. 4); reviewed the past 20 years of interaction between the City and Port District; briefed the audience on what the City has been trying to achieve relative to the Port District and referenced a written report from the City Manager to the City Council titled “Port of San Diego 5-Year Report to City Council”. (Copy on file in the Office of the City Clerk)

Robert ‘Dukie’ Valderrama, San Diego Port Commission Chairman and National City Commissioner, summarized some of the key elements and individuals leading to the success of National City in securing an on-going funding commitment from the Port District to help mitigate the impacts of Port Activities. Commissioner Valderrama praised the City Council and City Manager for their leadership and vision in hiring Gary Husk from Husk Partners and Cruz Bustamante from Bustamante & Associates; State Senator Ducheny for her leadership and commitment in introducing and carrying legislation (SB 1039); Port Commissioner Steve Cushman and former National City Port Commissioner Jess Van Deventer. The combined efforts of all involved resulted in the successful agreement with the Port District that will bring additional funds to National City.

COUNCIL MEETING PRESENTATIONS 2010 (102-10-5)

4. Legislative Efforts – SB 1039 – Chairman/CEO Cruz Bustamante, Bustamante and Associates and President Gary Husk, Husk Partners. Gary Husk and Cruz Bustamante, National City consultants, reviewed the individuals, events and actions that led to the successful agreement with the Port District.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 5 (Minutes), Item No. 6 (NCCMC), Item Nos. 7 through 16 (Resolution Nos. 2010-186 through 2010-195), Item Nos. 17 and 18 (Warrant Registers), Item Nos. 19 and 20 (Reports). Motion by Van Deventer, seconded by Sotelo-Solis, to pull Item Nos. 9, 14 and 16, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

APPROVAL OF MINUTES

5. **SUBJECT:** Approval of the Minutes of the Adjourned Regular City Council/Community Development Commission Meetings of March 30, 2010, August 3, 2010 and August 10, 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.

CONTRACT (C2009-79)

7. Resolution No. 2010-186. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN AMENDMENT INCREASING THE NOT-TO-EXCEED AMOUNT FROM \$100,000 TO \$125,000 FOR THE ON-CALL AGREEMENT BETWEEN THE CITY AND PROJECT PARTNERS TO PROVIDE PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS. (Development Services/Engineering)
ACTION: Adopted. See above.

ENGINEERING DEPT – GRANTS / REPORTS ADMIN (1104-1-1)

8. Resolution No. 2010-187. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE FILING OF A FEDERAL TIGER II DISCRETIONARY GRANT APPLICATION REQUESTING \$10 MILLION FOR CONSTRUCTION OF THE PLAZA BOULEVARD WIDENING PROJECT, WITH A LOCAL MATCH OF \$2.5 MILLION FUNDED THROUGH PROP A, GAS TAX, TRANSPORTATION IMPACT FEE PROGRAM, CAPITAL OUTLAY FUND AND RULE 20A FUND FOR UTILITY UNDERGROUNDING. (Development Services/Engineering Division)
ACTION: Adopted. See above.

CONTRACT (C2010-53)

9. Resolution No. 2010-188. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY WAIVING THE BID PROCESS AND AUTHORIZING A CALIFORNIA MULTIPLE AWARD SCHEDULES (CMAS) PURCHASE FOR SYNTHETIC TURF AND PERMANENT STRIPING MATERIAL/PRODUCT FROM FIELDTURF USA, INC. IN THE AMOUNT OF \$328,309 FOR THE EL TOYON SOCCER PROJECT, SPECIFICATION NUMBER 07-01. (Funded through Parks and

CONSENT CALENDAR (cont.)

CONTRACT (C2010-53)

9. Resolution No. 2010-188 (continued).
Recreation Capital Outlay Funds). (Development Services/Engineering
Division)

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

CONTRACT (C2010-54)

10. Resolution No. 2010-189. RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO OHNO
CONSTRUCTION IN THE AMOUNT NOT-TO-EXCEED \$440,642.20
FOR CONSTRUCTION IMPROVEMENTS FOR THE EL TOYON
SOCCER FIELD SPECIFICATION 07-01 AND AUTHORIZING THE
MAYOR TO EXECUTE THE CONTRACT. (Funded by CDBG Fund,
County of San Diego Grants and Park & Recreation Capital Outlay Fund)
(Development Services/Engineering)

ACTION: Adopted. See above.

CONTRACT (C2010-55)

11. Resolution No. 2010-190. RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO BLUE
PACIFIC ENGINEERING FOR THE BASE BID AMOUNT OF \$51,152.50
TO COMPLETE THE CITY'S CULTURAL ARTS CENTER LANDSCAPE
IMPROVEMENTS AND AUTHORIZING THE MAYOR TO EXECUTE THE
CONTRACT. (Funded by Tax Increment Fund) (Development Services/
Engineering)

ACTION: Adopted. See above.

CONTRACT (C2009-87)

12. Resolution No. 2010-191. RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF NATIONAL CITY: 1) ACCEPTING AND APPROVING THE
WORK PERFORMED BY CONAN CONSTRUCTION, INC. FOR THE
FINAL CONTRACT AMOUNT OF \$367,313.00; 2) FILING OF THE
NOTICE OF COMPLETION WITH THE COUNTY RECORDER; AND 3)
MAKING THE FINAL PAYMENT OF \$1,111.20 AND THE RETENTION
AMOUNT OF \$18,257.71 FOR THE NATIONAL CITY MULTIPLE
FACILITY PROJECT, FY 09-10. (Funded through Morgan/Kimball Senior
Housing Replacement Reserve Account, Facilities Maintenance Fund and
General Fund) (Development Services/Engineering)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CITY WIDE HOUSING ADMIN (303-4-1)

13. Resolution No. 2010-192. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE 2010 SAN DIEGO REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AL), AND AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATION LETTER STATING THAT THE AL REPRESENTS NATIONAL CITY'S CONCLUSIONS ABOUT IMPEDIMENTS TO FAIR HOUSING CHOICE, AS WELL AS ACTIONS NECESSARY TO ADDRESS ANY IDENTIFIED IMPEDIMENTS. (Community Development)
ACTION: Adopted. See above.

CONTRACT (C2009-92)

14. Resolution No. 2010-193. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL 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: Motion by Van Deventer, seconded by Sotelo-Solis, to adopt the Resolution. Carried by unanimous vote.

SAN DIEGO COUNTY GRAND JURY REPORTS (303-1-6)

15. Resolution No. 2010-194. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE CITY COUNCIL'S RESPONSE TO 2009/2010 GRAND JURY REPORT ON MEDICAL MARIJUANA, AND AUTHORIZING THE MAYOR TO EXECUTE SAID RESPONSE TO THE GRAND JURY. (City Attorney)
ACTION: Adopted. See above.

EMPLOYMENT AGREEMENT – CLAUDIA SILVA (604-6-4)

CONTRACT (C2010-56)

16. Resolution No. 2010-195. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND CLAUDIA SILVA FOR THE POSITION OF CITY ATTORNEY. (City Attorney)
ACTION: The item was pulled from the agenda. No vote was taken.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

17. Warrant Register #3 for the period of 07/14/10 through 07/20/10 in the amount of \$686,924.62. (Finance)
ACTION: Ratified. See above.

CONSENT CALENDAR (cont.)

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

18. Warrant Register #4 for the period of 07/21/10 through 07/27/10 in the amount of \$2,506,970.80. (Finance)
ACTION: Ratified. See above.

SAN DIEGO COUNTY GRAND JURY REPORTS (303-1-6)

19. City Manager's Response to 2009/2010 Grand Jury recommendations pertaining to Ethics in Government, Codes of Ethics, Internal Controls, and Fraud Hotlines. (City Attorney/City Manager)
ACTION: Filed. See above.

SAN DIEGO COUNTY GRAND JURY REPORTS (303-1-6)

20. City Manager's response to 2009/2010 Grand Jury recommendation pertaining to Managed Competition, Outsourcing, Reengineering, and Reverse Auction Programs such as are employed by the County of San Diego. (City Attorney/City Manager)
ACTION: Filed. See above.

URGENCY ORDINANCES FOR ADOPTION

MUNICIPAL CODE 2010 (506-2-25)

21. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 36937 (B) AS AN URGENCY MEASURE TO TAKE AFFECT IMMEDIATELY, AMENDING CHAPTER 18.62 OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING SECTION 18.62.170 PERTAINING TO TEMPORARY SIGNS TO ALLOW MORE THAN ONE SIGN ON A RESIDENTIAL PARCEL TO PRESERVE THE PUBLIC PEACE BY PROVIDING REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS ON TEMPORARY SIGNAGE IN NATIONAL CITY. (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

URGENCY ORDINANCES FOR ADOPTION (cont.)

MUNICIPAL CODE 2010 (506-2-25)

22. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 36937 (B) AS AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY, AMENDING CHAPTER 18.62 OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING SECTION 18.62.170 PERTAINING TO TEMPORARY SIGNS TO ALLOW MORE THAN ONE SIGN ON A RESIDENTIAL PARCEL TO PRESERVE THE PUBLIC PEACE BY PROVIDING REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS ON TEMPORARY SIGNAGE IN NATIONAL CITY (TWO LARGE SIGNS). (City Attorney)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

ACTION: Motion by Zarate, seconded by Sotelo-Solis, to adopt the Ordinance. Maker and second withdrew the motion. No action taken.

ORDINANCE FOR ADOPTION

MUNICIPAL CODE 2010 (506-2-25)

23. AN ORDINANCE 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 2% @ 60 FULL FORMULA BENEFIT FOR MISCELLANEOUS MEMBERS ENTERING MEMBERSHIP FOR THE FIRST TIME IN THE MUNICIPAL EMPLOYEES' ASSOCIATION AND CONFIDENTIAL SUBGROUPS. (Human Resources)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

NEW BUSINESS

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

24. Request to use Martin Luther King, Jr. Community Center (north room) by Diversity Solutions aka The Diversity Group, for a "Job Fair" on Wednesday, Sept. 29, 2010 from 10:30 a.m.– 2:30 p.m. Fee waiver (or discount) requested. (Community Services)

RECOMMENDATION: Approve the Request for Use, with no waiver of fees.

TESTIMONY: None.

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

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 25 (Resolution No. 2010-196), Item Nos. 26 and 27 (Warrant Registers). Motion by Sotelo, seconded by Van Deventer, to approve the Consent Calendar. Carried by unanimous vote.

CITY WIDE HOUSING ADMIN (303-4-1)

25. Resolution No. 2010-196. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING THE SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) FOR FISCAL YEAR ENDING JUNE 30, 2010 AND AUTHORIZING THE SUBMITTAL OF THE SEMAP TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Community Development, Housing and Grants, Section 8 Program)

ACTION: Adopted. See above.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

26. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$45,601.54 to the City of National City for the period of 07/14/10 through 07/20/10. (Finance)

ACTION: Approved. See above.

WARRANT REGISTER JULY 2010 - JUNE 2011 (202-1-25)

27. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$1,095,873.20 to the City of National City for the period of 07/21/10 through 07/27/10. (Finance)

ACTION: Approved. See above.

STAFF REPORTS

CLOSED SESSION REPORT (509-1-4)

28. Closed Session Report. (City Attorney)
City Council / CDC Attorney Claudia Silva reported that at the 5:00 p.m. Closed Session the City Council authorized the initiation of litigation in one matter. The identity of the action 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

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

29. Discussion – Creation of a second tier retirement formula for newly elected officials. (Mayor)
ACTION: Staff was asked to bring back information. No vote taken.

Student Representative Fred Wells advised the City Council that Sweetwater High School is interested in re-activating the student government day program.

Member Sotelo-Solis said the recently held Movie Night and Relay for Life events were a big success and acknowledged the great job done by staff. Ms. Sotelo-Solis extended an invitation to the wine tasting fundraiser scheduled by the National City Kiwanis Club.

Member Van Deventer said that businesses pay the bills and recommended that staff work on developing a marketing plan to help and welcome businesses to the city and explore potential new sign sites to promote businesses. Consensus was to have City Manager pursue the recommendations and report back. No vote was taken.

Member Zarate thanked the City Attorney for her quick action to address problems with the sign ordinance.

Mayor Morrison commented on the recent community events and the great support and participation by the community.

ADJOURNMENT

The meeting was adjourned in honor of Mr. Zenaido Villalobos.

Motion by Sotelo-Solis, seconded by Zarate, to adjourn the meeting to the next Regular City Council and Community Development Commission Meeting to be held Tuesday, September 7, 2010 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 7:56 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of September 7, 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, August 17, 2010 – 5:00 p.m.

ROLL CALL

CLOSED SESSION

1. Conference with Labor Negotiators – Government Code Section 54657.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva,
Eddie Kreisberg, Brad Raulston and Jeannette Ladrido
Employee Organization: Fire Fighters Association
2. Conference with Legal Counsel – Initiation of Litigation
Possible Initiation of Litigation Pursuant to Government Code Section
54956.9 (c)
3. Public Employment – Government Code Section 54957
Title: City Attorney

ADJOURNMENT

Next Regular City Council/CDC Meeting - Tuesday, August 17, 2010,
6:00 p.m., Council Chambers, Civic Center