

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

September 7, 2010

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:04 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Commission members present: Morrison, Sotelo-Solis, Van Deventer, Zarate.

Administrative Officials present: Babaki, Clemente, Deese, Duong, Gonzales, Hodges, Parra, Raulston, Silva, Stevenson, Williams, Zapata.

Others present: City Treasurer Mitch Beauchamp and Student Representatives Fred Wells and Samantha Galicia.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Toni Palos, National City, requested that the City move forward with installation of audible signals for the visually impaired.

Congressman Bob Filner spoke in support of the request for audible signals for the visually impaired and committed to work with staff to secure a matching grant from the Federal Government. Congressman Filner volunteered to provide the City with an updated picture of President Obama for display in the Council Chambers.

Marianna Polles-Harding, representing Sweetwater Harley Davidson, requested installation of a street light at the corner of Hoover and 33rd.

Ted Godshalk, National City, asked questions regarding ADA ramp upgrades and the unmaintained train tracks on Cleveland Avenue.

PROCLAMATION

PROCLAMATION ADMIN (102-2-1)

1. Proclaiming September 2010 as: **"NATIONAL PREPAREDNESS MONTH"**

PRESENTATIONS

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

2. Presentation recognizing Julian L. Villagomez, Police Sergeant, for his 20 years of service.

COUNCIL MEETING PRESENTATIONS 2010 (102-10-5)

3. Presentation recognizing Brian Clapper for his service as the Fundraiser Coordinator for the Las Palmas Little League.

COUNCIL MEETING PRESENTATIONS 2010 (102-10-5)

4. Presentation and Update by Development Services Department/ Engineering Division on the FY 2010-2011 National City Resurfacing Project. (Development Services)
Development Services Director Maryam Babaki reported that the FY 10-11 Resurfacing Program will total 4 million dollars. The program will concentrate on arterial streets and is on schedule for completion by October 31st.

Item No. 29 was taken up next.

STAFF REPORTS

FINANCE – INVESTMENTS / POLICY (204-2-1)

29. Certificate of Deposit Account Registration Service (CDARS) Update Report. (Finance)
Finance Director Jeanette Ladrido reported that one million dollars deposited by the City with Neighborhood National Bank (NNB) has been repaid and is currently deposited with the California Local Investment Fund (LAIF).

TESTIMONY: Jacqueline Reynoso, President and CEO, National City Chamber of Commerce, reported that as a result of the 3 million dollar deposit, 17 loans were made totaling \$6.4 million dollars and 66 new jobs were created.

Bob McGill, Neighborhood National Bank, reviewed the status of the program and responded to questions.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 5 (Minutes), Item Nos. 6 through 15 (Resolution Nos. 2010-197 through 2010-206), Item Nos. 16 and 17. Motion by Van Deventer, seconded by Sotelo-Solis, to pull Item Nos. 9, 10 and 13 and to approve the remainder of 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 April 6, 2010, the Special Meeting of the City Council of April 13, 2010, and the Regular Meeting of the City Council /Community Development Commission Meeting of August 17, 2010. (City Clerk)

ACTION: Approved. See above.

ENCROACHMENT AGREEMENT ADMIN 2010 (903-14-4)

6. Resolution No. 2010-197. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT PERMIT AND AGREEMENT WITH BANK OF AMERICA FOR THE MAINTENANCE OF AN OVERHEAD PYLON SIGN AND AN AWNING ENCROACHING THE PUBLIC RIGHT-OF-WAY AT 235 E. 8TH STREET. (Development Services)

ACTION: Adopted. See above.

ENCROACHMENT AGREEMENT ADMIN 2010 (903-14-4)

7. Resolution No. 2010-198. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT WITH THE PROPERTY OWNERS OF 819 D AVENUE (HARBOR VIEW) FOR THE EXISTING AERIAL PROTRUSIONS INTO AND ABOVE PORTIONS OF D AVENUE, E. 8TH STREET, E. 9TH STREET, AND THE ADJACENT ALLEY. (Development Services/Engineering)

ACTION: Adopted. See above.

ENCROACHMENT AGREEMENT ADMIN 2010 (903-14-4)

8. Resolution No. 2010-199. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY ENCROACHMENT AGREEMENT WITH N.C. APARTMENTS, LLC, HARBOR VIEW ACQUISITION, LLC, AND VILLAGE CAPITAL CORPORATION, PROPERTY OWNERS OF THE HARBOR VIEW CONDOMINIUM PROJECT LOCATED AT 819 D

CONSENT CALENDAR (cont.)

ENCROACHMENT AGREEMENT ADMIN 2010 (903-14-4)

8. Resolution No. 2010-199 (continued).
AVENUE, FOR THE EXISTING STREET ENCROACHMENTS INTO PORTIONS OF D AVENUE, EAST 8TH STREET, EAST 9TH STREET, AND THE ADJACENT ALLEY WHILE THE PARTIES NEGOTIATE TERMS FOR THE FINAL RESOLUTION OF PROPERTY INTERESTS. (Development Services/Engineering)
ACTION: Adopted. See above.

CONTRACT (C2010-59)

9. Resolution No. 2010-200. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO APPROVE A REIMBURSEMENT AGREEMENT WITH N.C. APARTMENTS, L.L.C., HARBOR VIEW ACQUISITION, L.L.C. AND VILLAGE CAPITAL CORPORATION, FOR THE UTILITY UNDERGROUNDING REQUIRED BY RESOLUTION 2006-266, FOR THE HARBOR VIEW CONDO PROJECT LOCATED AT 819 D AVENUE. (Development Services/Engineering)
TESTIMONY: Attorney Matt Peterson, Peterson & Price, appeared on behalf of Harbor View L.L.C requesting deletion of paragraph five of the agreement.
ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to adopt the Resolution. Carried by unanimous vote.

BUILDING PERMIT FEES ADMIN (203-9-1)

10. Resolution No. 2010-201. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE REIMBURSEMENT OF INSPECTION FEES PAID IN EXCESS OF THE FORMER FEE TO APPLICANTS WHO APPLIED FOR A BUILDING PERMIT DURING THE LOWER FEE PERIOD (JULY 1, 2009 TO JUNE 30, 2010), WERE INVOICED AT THE LOWER FEE LEVEL AND OBTAINED A BUILDING PERMIT AFTER THE REINSTATEMENT OF FEES TO THE 2008 FEE LEVEL; AND, AUTHORIZING THE COLLECTION OF INSPECTION FEES AT THE LOWERED FEE RATE FOR THOSE APPLICANTS WHO APPLIED AND PAID FOR THE PLAN CHECK PORTION OF THEIR BUILDING PERMIT PRIOR TO JULY 1, 2010. (Development Services/Engineering)
ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to adopt the Resolution. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

CONTRACT (C2007-43)

TEMPORARY USE PERMITS 2010 (203-1-26)

11. Resolution No. 2010-202. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING THE CITY MANAGER'S SIGNATURE OF THE PORT OF SAN DIEGO TUP APPLICATION FOR USE OF THE PASHA PARKING LOT "J" LOCATED ON PORT PROPERTY FOR TEMPORARY PARKING IN CONJUNCTION WITH THE FREE CONCERT AT PEPPER PARK ON 9/18/10. (Community Services)

ACTION: Adopted. See above.

CONTRACT (C2010-60)

12. Resolution No. 2010-203. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH DISNEY DESTINATIONS, LLC DBA DISNEY DESTINATIONS SALES FOR THE ONLINE SALE AND PURCHASE OF DISCOUNTED DISNEYLAND RESORT TICKETS TO CITY OF NATIONAL CITY EMPLOYEES. THERE IS NO DIRECT COST TO THE CITY. (Human Resources)

ACTION: Adopted. See above.

PERSONNEL ADMIN (604-6-1)

13. Resolution No. 2010-204. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING ACCESS TO STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT (INCLUDING VOLUNTEERS AND CONTRACT EMPLOYEES). THIS IS IN COMPLIANCE WITH NEWLY ENACTED STATE LEGISLATION (AB 346). (Human Resources)

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

CONTRACT (C2010-3)

14. Resolution No. 2010-205. A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A ONE-YEAR AGREEMENT IN THE AMOUNT OF \$4,965 PER MONTH BETWEEN THE CITY OF NATIONAL CITY AND CLAIMS MANAGEMENT ASSOCIATES (CMA), INC. TO PROVIDE LIABILITY CLAIMS ADJUSTING AND RISK MANAGEMENT SERVICES TO THE CITY OF NATIONAL CITY. (City Manager)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2010-56)

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

15. Resolution No. 2010-206. 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: Adopted. See above.

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

16. Warrant Register #5 for the period of 07/28/10 through 08/03/10 in the amount of \$5,455,377.63. (Finance)
ACTION: Ratified. See above.

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

17. Warrant Register #6 for the period of 08/04/10 through 08/10/10 in the amount of \$3,596,580.06. (Finance)
ACTION: Ratified. See above.

NON CONSENT RESOLUTION

CONTRACT (C89-12)

18. Resolution No. 2010-207. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO AGREEMENT WITH MOYNAHAN TOWING SERVICES FOR ADDITIONAL TOWING AND IMPOUND SERVICES WITHIN NATIONAL CITY. (City Attorney)
RECOMMENDATION: Adopt the Resolution.
TESTIMONY: None.
ACTION: Motion by Van Deventer, seconded by Zarate, to adopt the Resolution. Carried by unanimous vote.

NEW BUSINESS

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

19. Review League of California Cities' 2010 Annual Conference Resolutions. (City Manager)
ACTION: Motion by Van Deventer, seconded by Sotelo-Solis, to accept and file. Carried by unanimous vote.

NEW BUSINESS (cont.)

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

20. Request to use Martin Luther King, Jr. Community Center (north room) by State of California Employment Development Department for a Youth Job Fair from 2-6 p.m. on 9/23/10, and the use of MLK (south room) for planning meetings from 2-4 p.m. on 9/8/, 9/15, and 9/22/10 with 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 Zarate, to approve staff recommendation. Carried by unanimous vote.

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

21. Request to use Martin Luther King, Jr. Community Center by National City Community Concert Band for public concerts to be held on 9/15/10 and 12/18/10 from 3 p.m. – 9 p.m. Concerts are co-sponsored by the City. (Community Services)

RECOMMENDATION: Approve the request for use, with City support of \$1,000/day.

TESTIMONY: None.

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

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

22. Request to use Martin Luther King, Jr. Community Center (north room) by National City Chamber of Commerce for the "Salute to Navy" luncheon on 10/6/10 from 9 a.m. – 3 p.m. This event is co-sponsored by the City. (Community Services)

RECOMMENDATION: Approve the request for use, with City support of \$1,000/day.

TESTIMONY: None.

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

CONDITIONAL USE PERMITS 2010 (403-25-1)

23. Notice of Decision - Planning Commission approval of a Conditional Use Permit to operate a group counseling center at 2414 Hoover Avenue, Suite A, B, and C. (Applicant: Jeanne McAlister) (Case File 2010-21 CUP) (Development Services/Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

NEW BUSINESS (cont.)

CONDITIONAL USE PERMITS 2010 (403-25-1)

23. Notice of Decision (continued).

ACTION: Motion by Van Deventer, seconded by Zarate, to file.
Carried by unanimous vote.

CONDITIONAL USE PERMITS 2010 (403-25-1)

24. Notice of Decision – Planning Commission approval of a modification of a Conditional Use Permit for a change of use from a senior assisted living and adult day care facility to a senior independent living and adult day care facility and a variance request to allow less than the required parking to accommodate the change of use to an independent living facility at 2525 Highland Avenue. (Applicant: Joseph Bendah) (Case File 2010-19 MCUP/Z) (Development Services/Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

ACTION: Motion by Zarate, seconded by Van Deventer, to file.
Carried by unanimous vote.

CONDITIONAL USE PERMITS 2010 (403-25-1)

25. Notice of Decision – Planning Commission approval of a Conditional Use Permit for a wireless communication facility at an existing church at 142 E. 16th Street. (Applicant: T-Mobile) (Case File 2010-11 CUP) (Development Services/Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

ACTION: Motion by Van Deventer, seconded by Zarate, to file.
Carried by unanimous vote.

PLANNED DEVELOPMENT PERMIT ADMIN 2010 (414-1-25)

26. Notice of Decision – Planning Commission approval of a Planned Development Permit for the construction of five units at an existing 21-unit apartment complex at 520 V Avenue. (Applicant: Joe Astorga) (Case File 2010-18 PD) (Development Services/Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

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

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 27 and 28 (Warrant Registers). Motion by Van Deventer, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

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

27. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$4,775,872.98 to the City of National City for the period of 07/28/10 through 08/03/10. (Finance)

ACTION: Approved. See above.

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

28. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$106,509.07 to the City of National City for the period of 08/04/10 through 08/10/10. (Finance)

ACTION: Approved. See above.

STAFF REPORTS

FINANCE – INVESTMENTS / POLICY (204-2-1)

29. CDARS Update Report. (Finance)

ACTION: Taken up earlier. See above.

COMMUNITY SERVICES DEPT ADMIN (1104-1-7)

30. Recognition of Armed Services. (City Manager/Community Services)

ACTION: Motion by Sotelo-Solis, seconded by Van Deventer, to have staff bring back a report to the September 21, 2010 Council Meeting. Carried by unanimous vote.

POLICE DEPT ADMIN (302-4-1)

31. Back to School Project Report. (Police)

Police Chief Adolfo Gonzales reported that the Police Department, Police Officers Association, Wal-Mart, the low rider community and Neighborhood Markets Association collected donations totaling \$3,000 of school supplies and sports equipment which were distributed to National City elementary schools.

Chief Gonzales also clarified that the NCPD has a 63% cancellation rate for homicides over a ten year period and that since 2005; all but one case has been resolved.

STAFF REPORTS (cont.)

CLOSED SESSION REPORT (509-1-4)

32. Closed Session Report. (City Attorney)
City Council / CDC Attorney Claudia Silva stated that an initiation of litigation was authorized on one matter. Details cannot be disclosed at this time. (See attached Exhibit 'L')

MAYOR AND CITY COUNCIL

Member Van Deventer challenged the Lions Club to join together with the Sweetwater Kiwanis Club to ensure that students in National City have necessary uniforms and shoes to attend school. Police Chief Gonzales committed the Rotary Club to participate in the program. Van Deventer reported that the attorney is finalizing a long-term lease for the Boys' and Girl's Club.

Member Sotelo-Solis spoke about the successful grand opening of El Super Grocery Store, the senior's rummage sale on September 11th and wished everyone a happy Labor Day.

Mayor Morrison reminded everyone about the State of City Address on September 9th at the Cornerstone Church, Movie Night on September 10th, 9/11 Ceremony on September 11th at Station 34 and Concert at the Park on September 18th.

Mayor Morrison asked the Council to consider having staff look at the issue of allowing 24 ounce 3 packs of packaged alcohol product for sale and bring it back for consideration. The matter would be city initiated and go through the normal review process.

ACTION: The consensus was to proceed as requested. There was no vote.

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, September 21, 2010 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 7:25 p.m.



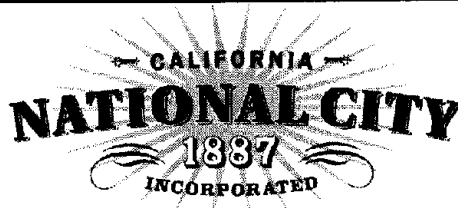
City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of September 21, 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, September 7, 2010 – 5:00 p.m.

ROLL CALL

CLOSED SESSION

1. 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
2. Conference with Legal Counsel – Anticipated Litigation:
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (b)
3. Conference with Legal Counsel – Anticipated Litigation:
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9 (b)
4. Liability Claims: Government Code Section 54956.95
Workers' Compensation Claim
Agency Claimed Against: City of National City
Number of Claims: One
5. Conference with Labor Negotiators: Government Code Section 54957.6 (a)
Agency Designated Representatives: Stacey Stevenson, Jeanette Ladrado, David Pease, Claudia Silva
Employee Organization: Municipal Employees' Association
6. Conference with Labor Negotiators – Government Code Section 54657.6
Agency Designated Representatives: Stacey Stevenson, Claudia Silva, Eddie Kreisberg, Brad Raulston, and Jeannette Ladrado
Employee Organization: Fire Fighters Association
7. Public Employment: Government Code Section 54957
Title: City Attorney

ADJOURNMENT

Next Regular City Council/CDC Meeting - Tuesday, September 7, 2010, 6:00 p.m.,
Council Chambers, Civic Center