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

January 25, 2011

The Adjourned Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:20 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Commission members present: Morrison, Natividad, Rios, Sotelo-Solis, Zarate.

Administrative Officials present: Babaki, Dalla, Deese, Duong, Gonzales, Hodges, Ladrido, Parra, Raulston, Silva, Smith, Stevenson, Williams, Zapata. Others present: Student Representative Samantha Galicia.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

Council Member Natividad offered his views about rules of conduct during council meetings.

PUBLIC ORAL COMMUNICATIONS

Dennis Gibson, representing the County Employees Charitable Organization (CECO) invited the Council to his organization's annual breakfast at the Kimball Senior Center on March 23rd, explained the charitable activities of CECO and requested waiver of the fees for use of senior center. Mr. Gibson explained that his request will be on the next Council Agenda.

Maria and Jesus Ortega, National City, asked the Council to support teachers in resolving their contract dispute with the school district and avoid a strike.

Eddie Perez, San Diego, expressed concerns about an incident he heard about that occurred at the last council meeting.

Ken Msemsji, National City, said he supports efforts to avoid a teachers' strike and urged others to get involved to resolve the issue.

PRESENTATIONS

COUNCIL MEETING PRESENTATIONS 2011 (102-10-6)

1. Presentations – Community Emergency Response Team Academy Members. (Fire)
Emergency Services Director Frank Parra presented the individuals who successfully completed the Community Emergency Response Team

successfully completed the Community Emergency Response Team Academy: Louise Branch, John Beck, Rafael Courtney, Ben Delgado, Roberto Garcia, Allie Pruitt, Julie Sepulveda, Dan Serrano.

City Clerk Michael Dalla administered the Oath of Office to those present.

BOARDS & COMMISSIONS ADMIN (101-1-1)

2. Interviews and Appointments: Various Boards & Commissions. (City Clerk)

The following applicants and incumbent Board Members appeared for interview: Frank Lopez, Harold Aranda, Roberto Griffin, Ditas Yamane, Christina Chacon, William Virchis, Louise Branch, Nancy Estolano, Roy Cesena, Alfredo Farias, Cheryl Howery-Colmenero, Arlito Reclosado, Ted Muhliesen, Memo Cavada.

ACTION: Motion by Natividad, seconded by Sotelo-Solis, to establish Parks, Recreation & Senior Citizen Advisory Board membership to be seven. Carried by unanimous vote.

Motion by Sotelo-Solis, seconded by Rios, to appoint Mayor Morrison as SANDAG Rep and Member Zarate as 1st Alternate. Carried by the following vote, to-wit: AYES: Natividad, Rios, Sotelo-Solis. NAYS: None. ABSENT: None. ABSTAIN: Morrison, Zarate.

Motion by Zarate, seconded by Rios, to appoint Vice Mayor Sotelo-Solis to SANDAG as 2nd Alternate. Carried by the following vote, to-wit: AYES: Morrison, Natividad, Rios, Zarate. NAYS: None. ABSENT: None. ABSTAIN: Sotelo-Solis.

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

3. Anniversary Recognition – Recognizing Brenda E. Hodges, Community Services Director for her 20 years of service. (City Council)

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 4 (Minutes), Item No. 5 (NCMC), Item Nos. 6 and 7 (Warrant Registers). Motion by Sotelo-Solis, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

APPROVAL OF MINUTES

4. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of December 7, 2010. (City Clerk)

ACTION: Approved. See above.

MUNICIPAL CODE 2011 (506-2-26)

5. 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.

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

6. Warrant Register #23 for the period of 12/01/10 through 12/07/10 in the amount of \$1,133,405.38. (Finance)

ACTION: Ratified. See above.

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

7. Warrant Register #24 for the period of 12/08/10 through 12/14/10 in the amount of \$2,582,624.61. (Finance)

ACTION: Ratified. See above.

PUBLIC HEARINGS

SUBDIVISIONS / VARIANCES 2011 (415-1-7)

8. Public Hearing – Modification of a previously approved Tentative Subdivision Map to delete a Condition of Approval requiring utilities to be placed underground at 1205-1343 Fig Court. (Applicant: Robert Gulota) (Case File 2010-36 M (S-2006-12) (Development Services/Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission.

TESTIMONY: Lori Pfeiler appeared on behalf of the applicant and spoke in support of the modification.

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

EX PARTE DISCLOSURES: All members disclosed ex parte contact with the applicant.

PUBLIC HEARINGS (cont.)

SPECIFIC PLAN – DOWNTOWN (417-1-9)

9. Public Hearing – Downtown Specific Plan Amendment and Mitigated Negative Declaration. (Case File No. 2010-23 SPA IS) (Applicant: Library Village South, Inc. (Community Development) **Companion Item #11**

RECOMMENDATION: Adoption of the mitigated negative declaration and approval of the specific plan amendment.

TESTIMONY: None.

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

ORDINANCE FOR ADOPTION

MUNICIPAL CODE 2011 (506-2-26)

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING THE COMPENSATION OF THE MAYOR AND CITY COUNCIL. (City Attorney)

RECOMMENDATION: Adopt proposed ordinance.

TESTIMONY: None.

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

NON CONSENT RESOLUTIONS

SPECIFIC PLAN – DOWNTOWN (417-1-9)

11. Resolution No. 2011-13. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE DOWNTOWN SPECIFIC PLAN AMENDMENT. (Case File No. 2010-23 SPA IS) (Applicant: Library Village South, Inc.) (Community Development) **Companion Item #9**

RECOMMENDATION: Adoption of the resolution.

TESTIMONY: None.

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

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)

12. Resolution No. 2011-14. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY IN RECOGNITION OF CONCESSIONS MADE BY EXECUTIVE AND MANAGEMENT EMPLOYEE GROUPS IN THE FORM OF A FULL EIGHT PERCENT EMPLOYEE PAID CONTRIBUTION TO RETIREMENT, A TWO TIERED RETIREMENT FORMULA AND A VACATION ACCRUAL CAP OF THREE TIMES THE ACCRUAL RATE, A RESOLUTION AUTHORIZING A ONE-TIME PERFORMANCE AND RETENTION INCENTIVE PAYMENT OF THREE

NON CONSENT RESOLUTIONS (cont.)

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)

12. Resolution No. 2011-14 (continued). PERCENT TO ELIGIBLE EMPLOYEES IN THE EXECUTIVE AND MANAGEMENT GROUPS (EXCEPTING THE CITY ATTORNEY) IN LIEU OF INCREASES IN BASE SALARY, AND APPROVING A TRANSFER OF \$75,063 FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE PERSONNEL COMPENSATION FUND FOR SAID PAYMENT. (City Manager)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Natividad, to adopt

the Resolution. Carried by unanimous vote.

NEW BUSINESS

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

13. City of National City Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2010. (Finance) (Copy on file in the Office of the City Clerk)

RECOMMENDATION: Accept and file.

TESTIMONY: Mathew Linton, representing Mayer Hoffman McCann, the City's Auditor, reviewed the results of the Financial Report.

ACTION: Motion by Natividad, seconded by Rios, to approve staff recommendation. Carried by unanimous vote.

AUDIT FINANCIAL REPORT 2009-2010 (208-1-24)

14. City of National City's Single Audit Report on Federal Awards for the Fiscal Year Ended June 30, 2010. (Finance) (Copy on file in the Office of the City Clerk)

RECOMMENDATION: Accept and file.

TESTIMONY: Mathew Linton, representing Mayer Hoffman McCann, the City's Auditor, reviewed the results of the Single Audit Report .

ACTION: Motion by Natividad, seconded by Rios, to approve staff recommendation. Carried by unanimous vote.

NEW BUSINESS (cont.)

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

15. Request from American Cancer Society to use the MLK South for their monthly "Relay for Life" planning meeting on the 2nd Tuesday of each month from February-August 2011, from 6 pm – 7:30 pm. Applicant is requesting a fee waiver. (Community Services)

RECOMMENDATION: Approve use of MLK as requested, with no waiver of fees.

TESTIMONY: An un-named speaker, representing the American Society, responded to questions.

ACTION: The consensus was to refer to staff for further study. No vote was taken.

TEMPORARY USE PERMITS 2011 (203-1-27)

16. Temporary Use Permit – Pacifica Bayview Banner LLC requesting an extension to continue their banner advertising "Condos from \$125,000 (619) 336-0303" at the Bayview Tower building at 801 National City Boulevard from January 26 through December 31, 2011 with no waiver of fees. (Neighborhood Services Division)

RECOMMENDATION: Staff recommended denial of the Temporary Use Permit.

TESTIMONY: A representative appeared on behalf of the applicant, presented their proposal and responded to questions.

ACTION: The applicant was made aware of an outstanding obligation of the applicant to the City in the amount of \$3,516.56. The representative for the applicant committed to follow-up on the matter. Motion by Natividad, seconded by Sotelo-Solis, to approve the TUP for 6 months with an option to request a one-time 6 months extension. Carried by unanimous vote.

TEMPORARY USE PERMITS 2011 (203-1-27)

17. Temporary Use Permit – Circus Vargas sponsored by Tabares Entertainment from February 24 through 28, 2011 at the Plaza Bonita Mall 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 Sotelo-Solis, seconded by Natividad, to approve staff recommendation. Carried by unanimous vote.

NEW BUSINESS (cont.)

SUBDIVISIONS / VARIANCES 2011 (415-1-7)

18. Notice of Decision – Planning Commission approval of a Zone Variance to allow parking spaces and light poles in the front yard setback at an existing church at 125 Palm Avenue. (Applicant Misael Zaragoza) (Case File 2010-35 Z 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 Sotelo-Solis, seconded by Rios, to approve

staff recommendation. Carried by unanimous vote.

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 19 and 20 (Warrant Registers). Motion by Natividad, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

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

19. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$858,469.54 to the City of National City for the period of 12/01/10 through 12/07/10. (Finance)

ACTION: Approved. See above.

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

20. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$192,124.07 to the City of National City for the period of 12/08/10 through 12/14/10. (Finance)

ACTION: Approved. See above.

NON CONSENT RESOLUTION

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)

21. Resolution No. 2011-15. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY IN RECOGNITION OF CONCESSIONS MADE BY EXECUTIVE AND MANAGEMENT EMPLOYEE GROUPS IN THE FORM OF A FULL EIGHT PERCENT EMPLOYEE PAID CONTRIBUTION TO RETIREMENT, A TWO TIERED RETIREMENT FORMULA AND A VACATION ACCRUAL CAP OF THREE TIMES THE ACCRUAL RATE, A RESOLUTION AUTHORIZING A ONE-TIME PERFORMANCE AND RETENTION INCENTIVE PAYMENT OF THREE PERCENT TO

NON CONSENT RESOLUTION (cont.)

LABOR RELATIONS EXEC / MID MGMT EMPLOYEES (605-2-1)

21. Resolution No. 2011-15 (continued). ELIGIBLE EMPLOYEES IN THE EXECUTIVE AND MANAGEMENT GROUPS (EXCEPTING THE CITY ATTORNEY) IN LIEU OF INCREASES IN BASE SALARY, AND APPROVING A TRANSFER OF \$18,923 FROM THE TAX INCREMENT FUND TO THE PERSONNEL COMPENSATION FUND FOR SAID PAYMENT. (City Manager)

RECOMMENDATION: Approve the resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Zarate, to adopt the

Resolution. Carried by unanimous vote.

NEW BUSINESS

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

22. Community Development Commission of the City of National City's Financial Statements and Supplemental Information for the Fiscal Year Ended June 30, 2010. (Finance) (Copy on file in the Office of the City Clerk)

RECOMMENDATION: Accept and file.

TESTIMONY: Mathew Linton, representing Mayer Hoffman McCann, the CDC's Auditor, reviewed the results of the Financial Statements.

ACTION: Motion by Natividad, seconded by Rios, to approve staff recommendation. Carried by unanimous vote.

STAFF REPORTS

CDC Executive Director Brad Raulston gave a brief update on redevelopment matters related to the Governor's proposal to eliminate Redevelopment Agencies. The City intends to continue moving forward with on-going plans and efforts which include conclusion of the General Plan Update process, establishment of a CIP Committee to identify appropriate capital projects necessary to implement the General Plan and the appointment of a bond selection panel to initiate exploration of a bond sale to generate needed funding.

Emergency Services Director Frank Parra provided an update on the residential structure fire that occurred at 326 W. 12th Street.

STAFF REPORTS (cont.)

CLOSED SESSION REPORT (509-1-4)

23. Closed Session Report. (City Attorney)
City Council / CDC Attorney Claudia Silva reported that litigation has been authorized in one case during the Closed Session. The name of the parties will not be identified at this time so as not to negatively effect the position of the City or CDC. It will be available and disclosed at a later time on effectuation of service. (See attached Exhibit 'L')

MAYOR AND CITY COUNCIL

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

24. Request to schedule a City Council Retreat. (Councilmember initiated)

ACTION: Staff to bring back report and recommendation.

Vice Mayor Sotelo-Solis expressed interest in meeting with staff to resolving issues about appropriate striping for the new athletic field.

Councilmember Zarate acknowledged the efforts of Angelita Marchante, from the City Manager's Office to produce packets for the military recognition program, provided public safety materials to Council Members and spoke about regional efforts for dealing with graffiti problems.

Mayor Morrison discussed the most recent and ongoing issues, problems and uncertainty confronting the City as a result of the Governor's proposed elimination of Redevelopment Agencies. The potential loss by the City of the \$14 million per year in tax increment funding generated by redevelopment efforts would be devastating. The Mayor said the situation is scary and the City is in for a crazy roller coaster ride with the State over the next year.

ADJOURNMENT

Motion by Natividad, seconded by Sotelo-Solis, to adjourn the meeting to the next Regular City Council and Community Development Commission Meeting to be held Tuesday, February 1, 2011 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

Adjourned Regular Meeting – National City City Council and Community Development Commission Budget Workshop – Saturday, February 5, 2011 – 9:00 a.m. – Council Chambers – National City

The meeting closed at 9:13 p.m.

City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of February 15, 2011.

Mayor / CDC Chairman

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY

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

Special Meeting - Tuesday, January 25, 2011 - 5:00 p.m.

ROLL CALL

OPEN SESSION

- Real Property Transaction Purchase of City-owned property at 2200 Hoover Avenue, National City by the Community Development Commission of the City of National City (CDC)
- Real Property Transaction Purchase of City-owned property at 1615 Fourth Street by the CDC
- 3. Real Property Transaction Purchase of City-owned property at 200 East 12th Street by the CDC
- 4. Real Property Transaction Purchase of City-owned property at 1439 Sweetwater Road by the CDC

CLOSED SESSION

- 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
- Conference with Real Property Negotiator Government Code Section 54956.8 Property: 2200 Hoover Avenue, National City

Agency Negotiator: Brad Raulston

Negotiating Parties: City of National City and CDC Under Negotiation: Price and Terms of Payment

Agenda of a Special Meeting January 25, 2011 Page 2

CLOSED SESSION (cont.)

3. Conference with Real Property Negotiator – Government Code Section 54956.8

Property: 1615 Fourth Street, National City

Agency Negotiator: Brad Raulston

Negotiating Parties: City of National City and CDC Under Negotiation: Price and Terms of Payment

4. Conference with Real Property Negotiator - Government Code Section 54956.8

Property: 200 East 12th Street, National City

Agency Negotiator: Brad Raulston

Negotiating Parties: City of National City and CDC Under Negotiation: Price and Terms of Payment

5. Conference with Real Property Negotiator – Government Code Section 54956.8

Property: 1439 Sweetwater Road, National City

Agency Negotiator: Brad Raulston

Negotiating Parties: City of National City and CDC Under Negotiation: Price and Terms of Payment

4. <u>Conference with Legal Counsel – Anticipated Litigation</u>: Initiation of Litigation Pursuant to Government Code Section 54956.9 (c) – One Case

ADJOURNMENT

Next Regular City Council/CDC Meeting – Tuesday, January 25, 2011, 6:00 p.m., Council Chambers, Civic Center